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CRWP-1993-2020

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP-1993-2020

Date of Decision:-27.2.2020

ANAM SHARMA

... Petitioner

Versus

STATE

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

By Post

Present: Ms. Rashmi Attri, AAG, Punjab
assisted by HC Rajesh Chauhan.

GURVINDER SINGH GILL, J. (Oral)

There is no representation on behalf of the petitioner.

The present petition arises out of an application submitted by one Ms. Anam Sharma to the effect that her husband had been picked up by the Police on 14.2.2020 when she along with her husband had gone to Courts at Mohali to attend Court proceedings.

Pursuant to issuance of notice of motion, an affidavit of Sh.Gurbakshish Singh, DSP, Sub-Division Dera Bassi has been filed wherein a stand has been taken that the petitioner's husband has been arrested in connection with FIR No.408 dated 30.11.2017 registered under Sections 21/25 of NDPS Act, Police Station Zirakpur, District SAS Nagar wherein he is specifically named. The relevant extracts from the said affidavit read as follows:-

3(I) That case/FIR No.408 dated 30.11.2017 under Sections 21/61/85 NDPS Act (Sections 25 NDPS Act added later on) was registered at

Police Station Zirakpur, District SAS Nagar against Samar Kumar (alleged detainee) and Anam Sharma alias Anu (Petitioner) on the basis of secret information received from a secret informer that the said persons were engaged in selling heroin to innocent young persons in their car bearing registration No.CH-01-BF-5621 and in case, checking is done, both the said persons along with the car and drugs can be apprehended. Finding the information to be trustworthy and reliable, case/FIR No.408 (supra) was registered and the investigation commenced.

4. That it is respectfully submitted that vide the present petition, the petitioner has made a blatant attempt to mislead this Hon'ble Court by concealing the factum of registration of present case/FIR against her and Samar Kumar (alleged detainee) and by further concealing that Samar Kumar (alleged detainee) had been arrested in the present case/FIR on 14.02.2020. The petitioner has not approached this Hon'ble Court with clean hands in order to obtain a favourable order from this Hon'ble Court. It is submitted that Samar Kumar (alleged detainee) has not been illegally detained as alleged in the present petition rather he was lawfully arrested in the present case/FIR No.408 (supra). It is submitted that Samar Kumar (alleged detainee) was required in the present case/FIR No.408 (supra) as he had been evading his arrest in the said case/FIR and on his identification by ASI Harjinder Singh in the Court premises on 14.2.2020, he was arrested in accordance with law and produced before the learned Area Magistrate and his police remand was obtained till 17.2.2020. Thereafter, he was produced before the learned Court on 17.2.2020 wherein the learned Court was pleaded to send him to judicial custody vide order dated 17.2.2020. The investigation qua the accused Samar Kumar (alleged detainee) and Rinki Rajouria is

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underway and strenuous efforts are being made to take the same to its logical conclusion.”

In view of the aforesaid position, it cannot be said that the petitioner’s husband has been illegally detained. The petition as such is dismissed.

(GURVINDER SINGH GILL)
JUDGE

27.2.2020
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No