

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Writ Petition No. 10044 of 2022
Date of Decision: January 18, 2024

Kulwinder Kaur

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present:- Ms. Bhupinder K. Bhangu, Advocate
for the petitioner

Mr. Sandeep Kumar, DAG Punjab

Harpreet Singh Brar, J. (Oral)

1. The instant petition under Articles 226/227 of the Constitution of India has been filed for issuance of appropriate writ, order or direction in the nature of mandamus ensuring and safeguarding the life and liberty of the petitioner and her family members owing to a serious threat perception at the hands of private respondents. Further prayer has been made for transferring the investigation to CBI or any other independent agency with regard to FIR No. 192 dated 25.08.2022 registered under Sections 22/61/85 of the NDPS Act, 1985 at Police Station City Kapurthala, District Kapurthala.

2. Learned counsel for the petitioner *inter alia* contends that son of the petitioner has been falsely implicated in the present case as the petitioner and her family member are not supporter of the ruling party and as such the ruling party in the State of Punjab is having a grudge upon the son of the petitioner and other co-

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accused. Due to the above grudge the ruling party, the local police illegally taken into custody the son of the petitioner and other co-accused on 23.08.2022 and the same is clearly established from the video footage (Annexure-2). She further submits that the petitioner and his co-accused have been brutally beaten up and in this regard the petitioner has made representations to various authorities including respondent No. 2. As such she has approached this Court in order to seek fair investigation as provided under Article 226 of the Constitution of India.

3. Status report by way of an affidavit of Mr. Gurmit Singh, PPS, Deputy Superintendent of Police, Sub Division Kapurthala on behalf of respondents No. 1 to 4 has been filed in the Court today. The same is taken on record. Registry is directed to tag it at an appropriate place in the file.

4. Learned State counsel submits that 270 grams of Heroin was recovered from the conscious possession of son of the petitioner. The alleged contraband which was recovered falls within the ambit of commercial quantity. The investigating agency has already concluded its investigation and filed a final report under Section 173 Cr.P.C. before the learned trial Court on 19.04.2023. He further submits that son of the petitioner is juvenile and report in this regard is yet to be presented before the learned Juvenile Justice Board Kapurthala.

5. Keeping in view the facts and circumstances of the case, this Court finds no ground to interfere in the present matter.

6. The petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

January 18, 2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No