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206-3

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

CRM-M-46815-2023 (O&M)

Date of decision : 03.12.2024

Sukhraj Kaur

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Dr. Naresh Kaushik, Advocate,
for the petitioner.

Mr. TPS Walia, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, *inter alia*, for directing respondent Nos.2 & 3 to initiate appropriate action against respondent Nos.4 to 7 for falsely implicating the husband of petitioner in FIR No.92 dated 06.06.2023, under Sections 21, 25 & 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Lopoke, District Amritsar Rural.

2. Contends that petitioner's husband, Karaj Singh, has been falsely implicated in FIR No.92 (*ibid*) and recovery of 257 grams of Heroin along with Rs.3,45,000/- as drug money has been shown against him. Further contended that in fact, on the fateful day, i.e. 06.06.2023, respondent Nos.4 to 6, who are Police officials, forcibly entered the

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house of petitioner and took away one brand new car; cash amount of Rs.5.00 lakh; one .12 bore licensed gun; purse containing important documents like PAN card & Credit card; as well as one Samsung mobile phone. They also gave merciless beatings to the petitioner's husband and misbehaved with other family members. Also contended that the Police officials also took away the CCTVs installed in their house along with hard disk in order to destroy the evidence. Further contended that in the FIR (*supra*), only Rs.3,45,000/- is shown to have been confiscated and rest of the amount was usurped by the Police officials. Also contended that about 10 days prior to the registration of present FIR, respondent No.5 had called the petitioner's husband to the Police Station and demanded money, to which he refused. Again contended that petitioner also moved a representation before the Senior Superintendent of Police concerned on 10.06.2023 (P-4), but no action has been taken thereupon till date.

3. *Per contra*, learned State counsel, on instructions, submits that it is a case of chance recovery and the husband of petitioner, namely, Karaj Singh, who on seeing the Police party, tried to flee in his Fortuner Car, but was apprehended and Heroin weighing 257 grams was recovered from him along with one Samsung Mobile Phone and Rs.3.45 Lakh drug money. On the basis of disclosure made by said Karaj Singh, co-accused Rana, Sonu @ Sonu Singh and Dharwinder Singh were also nominated in the present case. Again submitted that no representation, as alleged was received in the office of respondent No.3 regarding false

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implication of petitioner's husband. Also submitted that charges have already been framed under Sections 21, 27-A & 29 of the NDPS Act against the accused persons, including the husband of petitioner-Karaj Singh and trial is going on.

4. Heard both sides and perused the paper-book.

5. It transpires that husband of the petitioner was apprehended at the spot by the Police party and Heroin weighing 257 grams, along with drug money of Rs.3,45,000/- was recovered from him. The report dated 12.09.2023 received from the Regional Forensic Science Laboratory, Amritsar also suggests that the contraband recovered from petitioner's husband is 'Heroin' and which falls under the "Commercial" quantity.

6. Moreover, it is the categoric stand of the respondents that no representation regarding the alleged false implication of petitioner's husband was received in the office of the respondent No.3.

7. Apart that, learned State counsel, on instructions, has apprised the Court that petitioner's husband Karaj Singh along with other co-accused have been charged under Sections 21, 27-A & 29 of the NDPS Act by learned Special Court and trial is going on. In such a scenario, the plea of false implication, at best, can be raised before learned Special Court, at appropriate stage.

8. In view of the above, this Court does not find any merit in present petition and as such, is dismissed.

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9. Above observations be not construed as an expression of opinion on merits of the case, in any manner.

Pending application(s), if any, shall stand disposed off.

03.12.2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : *Yes / No*
Whether reportable : *Yes / No*