

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

CRA-S No.2400-SB of 2014

Date of decision: 3rd September, 2015

Gurwinder Kaur

... Appellant

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Sarwinder Goyal, Advocate
for the appellant.

Mr. R.S. Randhawa, Addl. Advocate General, Punjab.

FATEH DEEP SINGH, J. (ORAL)

Appellant Gurwinder Kaur has come up in this appeal preferred in terms of Section 454 Cr.P.C. seeking setting aside of an order dated 10.04.1994 passed by the learned Special Judge, Sangrur in case bearing FIR No.18 dated 10.01.2011 under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Sangrur declining her prayer for release of currency notes amounting to ₹48,500 taken into custody by way of Memo dated 11.01.2011 at the time of her search by ASI Surinder Pal Singh.

The lone contention raised by Mr. Sarwinder Goyal, Advocate representing the appellant that the currency notes do not

form part of the case property and that the impugned order as such is untenable could not be opposed on behalf of the State by Mr. R.S. Randhawa, Addl. Advocate General, Punjab.

Appreciating these submissions, nowhere during the trial of the case as well as in the judgment dated 09.05.2013 passed by the Court of learned Special Judge, Sangrur in case bearing RBT No.28 dated 15.01.2013, it stands reflected that these currency notes are in any manner subject matter of the case property or are sale proceeds of the contraband so alleged to have been recovered from the possession of the appellant.

Since admittedly and as is established on the records, these currency notes are only articles of Jama Talashi and necessitates their return to their legitimate owner, the present appellant, from whom they have been recovered. As the matter stands decided vide judgment dated 09.05.2013 and even therein there is no order pertaining to this money, impels this Court to allow the present appeal thereby directing the trial Court to release the currency notes in question to the appellant as per rules upon due identification and as per law. Records be sent back.

(FATEH DEEP SINGH)
JUDGE

September 3, 2015

rps