IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12084-2014 (O&M)
Date of Decision: November 15, 2016

Surjit Singh @ Pappu
...Petitioner

Versus

State of Punjab & another
...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R.S. Gill, Advocate for
Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Vikram Preet Arora, Advocate
for the complainant-respondent No.2.

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JITENDRA CHAUHAN, J. (Oral):

This revision petition under Section 482 of the Code of Criminal Procedure challenging the order dated 07.09.2013 passed by Addl. Chief Judicial Magistrate, Fatehgarh Sahib, vide which, the petitioner was declined permission to operate his bank accounts and; the order dated 19.02.2014 passed by the Addl. Sessions Judge, Fatehgarh Sahib, vide which, the petitioner was allowed to operate his bank accounts subject to furnishing of bank guarantee in the sum of ₹ 12,00,000/- before the learned trial Court.

It is mentioned in the order dated 07.09.2013 (Annexure P-3) passed by the trial Court that the petitioner is involved in other cases of extortion also. Apart from ₹ 5,00,000/- which is involved in the present case, the petitioner is alleged to have extorted money in other cases and the same is also lying in his bank accounts.

It is contended by the learned counsel for the petitioner that the trial Court fell in error in recording that the petitioner is involved in other cases as well. It is further submitted that the petitioner is involved in the present case only. The amount of extortion is ₹ 5,00,000/-, whereas, ₹ 4,75,000/- have already been recovered from the petitioner. The bank accounts qua remaining amount cannot be attached.

Heard.

Learned State counsel has furnished a list indicating the number of FIRs which are pending against the petitioner. In view of this, the very assertion raised by the petitioner pales into insignificance. Since the petitioner is involved in nine FIRs and that too of extorting money, theft and receiving stolen property, therefore, at this stage, it cannot be said that the amount lying in the bank is extorted money or not. That apart, the petitioner has tried to mislead this Court by pleading in paragraph 10 of the petition that the petitioner is not involved in any other case and that the trial Court wrongly, without any basis, mentioned in its order that in other extortion cases, petitioner got ₹ 4,00,000/- in his share. Learned Addl. Sessions Judge, Fatehgarh Sahib rightly held that the petitioner has a right to operate all the accounts for running affairs of his own life & family. The approach of learned revisional Court in allowing the petitioner to operate his bank accounts subject to furnishing bank guarantee in the sum of ₹ 12,00,000/- before the learned trial Court, is fully justified. No illegality or perversity could be found in the impugned order.

However, keeping in view the conduct of the petitioner, the Court feels that the petition deserves to be dismissed with exemplary costs. Consequently, the present petition is dismissed with costs of ₹ 50,000/- to be deposited with the High Court Legal Services Committee.

(JITENDRA CHAUHAN)
November 15, 2016 **JUDGE**
Nisha-I

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No