

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-549-SB-2016 (O&M)

Date of decision: February 28, 2017.

Jaswinder Mann

... **Appellant**

v.

Central Bureau of Investigation, Chandigarh

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Puneet Bali, Senior Advocate with
Shri Ranjit Saini, Advocate for the petitioner.

Shri Sumeet Goel, Advocate for the respondent.

A.B. Chaudhari, J. (Oral):

Rule. Heard forthwith with the consent of learned counsel for the rival parties.

The petitioner is the elder sister of Col. B.S. Goraya who is being prosecuted before the CBI Court at Chandigarh in FIR No.RC 15 dated 6.8.1990, under Section 13(1)(e) read with Section 13(2) Prevention of Corruption Act, 1988. Learned counsel for CBI seeks a day's adjournment and also submits that said Colonel has been convicted in one case. He submits that he wants to verify whether the petitioner is also accused in the pending case or in the case where the conviction has been recorded.

Learned counsel for the petitioner submits that the petitioner is aged 70 years old lady who is elder sister of Col. B.S. Goraya and was residing, at the relevant time, in Canada and has now come back to India for

residing. He further submits that the house in question i.e. Plot No.984, Phase IV, Mohali was admittedly purchased in her name though according to her, amount for the purchase of the house property was sent by her from Canada about which details are furnished at page 4 of the petition. He has made a categorical statement that he wants the removal of attachment for a limited purpose, namely, for her residence in the house till the trial is completed by the trial court. He further submits that the petitioner will not create any third party rights on the property by way of lease, rent deed, sale, mortgage etc. In the wake of this statement, I think the offer made by Learned counsel for the petitioner is fair enough to take care of the apprehension of the counsel for the CBI. Therefore, there is no need to grant any adjournment as it would serve no purpose. Learned counsel for the petitioner also agrees to file an undertaking to the above effect in this Court within two weeks from today that the petitioner will not create any third party rights, mortgage, rent, lease, sell, either directly or indirectly or through her legal heirs or legal representatives till the trial is completed.

In that view of the matter, I think the impugned order is required to be modified and to the above limited extend, the petition is required to be allowed. In the result, I make the following order:-

ORDER

- (i) Rule is partly allowed;
- (ii) the impugned order is modified and the attachment of property, i.e. Plot No.984, Phase IV, SAS Nagar, Mohali is removed in favour of the petition for the present only for her residence upon which the petitioner shall not create any third

party rights, including lease, rent, mortgage, sell etc. An undertaking shall be filed by the petitioner to this effect within two weeks from today and if occasion arises, the petitioner will have to face contempt proceedings if anything contrary to the undertaking is undertaken;

(iii) liberty is reserved in favour of the petitioner to apply for removal of complete attachment after the trial is completed in the appropriate proceedings before the appropriate court;

(iv) needless to say that the petitioner is allowed to make the house worth living at her own cost and peril.

[**A.B. Chaudhari**]
Judge

February 28, 2017.
kadyan

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No