

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

CRM-M-7497-2017

Date of decision: May 24, 2017.

Nanak Singla

... **Petitioner**

v.

State of Haryana and others

... **Respondents**

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

Present: Shri Arun Singal, Advocate for the petitioner.

Shri Chetan Sharma, Assistant Advocate General, Haryana.

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

Rule. Heard forthwith with the consent of Learned Counsel for the parties.

The prosecution case is that the complainant's Rs.23 lacs were pilfered through net-banking by the accused persons. During investigation, it was found by the police that out of Rs.23 lacs, only Rs.12.10 lacs were returned in the account of the complainant and according to him, that amount has been attached. However, as far as the balance amount is concerned, Learned Counsel for the petitioner states that the same was taken away by the accused persons. It is in this background that the concerned police officer made an application to the trial court with the prayer that the attached amount of Rs.12.10 lacs since belonged to the petitioner-complainant, be given back to him. The trial court has outrightly rejected the said application without giving any reasons by saying that the trial court

did not find any cogent reasons to do so. The said finding is totally perverse.

Be that as it may, since it has been found during investigation that the amount belonged to the petitioner-complainant, there is no reason to harass the petitioner unnecessarily. In that view of the matter, the impugned order dated 4.6.2016 (Annexure P-2) is quashed and set aside. The application (Annexure P-1) made by the SHO, Police Station City Panipat is allowed and the concerned Bank Managers are directed to transfer the money in the sum of Rs.12.10 lacs in the accounts of the petitioner forthwith. In the meanwhile, police shall make all efforts to attach the properties belonging to the accused-respondents for ensuring recovery of the balance amount and the complainant is directed to pursue the police machinery for the said purpose.

Disposed of.

May 24, 2017.

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[A.B. Chaudhari]
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No