

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

223

**CRR No.4515 of 2016.
Date of Decision: 27.07.2017.**

Preeti Khanna

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sahil Puri, Advocate for the petitioner.

Mr. B.S. Baath, Deputy Advocate General, Punjab.

Ramendra Jain, J.(Oral)

Prayer in the instant petition has been made for setting aside the order dated 07.10.2016, vide which Judge, Special Court, Kapurthala has declined to release the case property on superdari to the petitioner.

In nutshell, on the basis of secret information, that the petitioner was indulging in illicit business of narcotic substance, her house was raided and 1 Kg of poppy husk was recovered from her house, besides 20 bottles of whiskey McDowell, 100 intoxicant capsules, currency notes worth ₹24,10,300/- and 324.24 grams of old ornaments. The case property relevant to the decision of the case is only 100 intoxicant capsules and 1 Kg of poppy husk. Rest of the case property i.e. currency notes worth ₹24,10,300/- and 324.24 grams of old ornaments are not relevant for the decision of the case, unless and until the prosecution is able to prove that the said articles were procured by the petitioner from the money she earned

through some illegal trade of narcotics. To this effect, as on today, there is no evidence with the prosecution. Perusal of the impugned order shows that the Judge, Special Court, Kapurthala declined to release the aforesaid articles to the petitioner on superdari on the ground that the petitioner did not produce any proof regarding her ownership over the said articles, which in the opinion of this Court, is patently illegal, inasmuch as the prosecution, at any point of time, did not dispute the ownership of the petitioner over the said articles which were taken into possession by the police during personal search of the house of the petitioner.

Considering over all facts and circumstances and the fact that the conclusion of trial would take a long time, the shape of currency notes, allegedly, recovered from the house of the petitioner has already been changed by depositing the same into the account of Senior Superintendent of Police on 29.12.2016 and further that gold ornaments weighing 324.24 grams and 20 bottles of whiskey Mcdowel are lying in the Malkhana of police custody unnecessarily, it is ordered that 20 bottles of whiskey Mcdowel, currency notes worth ₹24,10,300/- and 324.24 grams of old ornaments recovered during personal search of the petitioner be released to petitioner Preeti Khanna, subject to her furnishing personal and surety bond in the sum of ₹35,00,000/- alongwith an undertaking that the same shall be produced as and when asked by the Court.

Petition is disposed of accordingly.

(RAMENDRA JAIN)
JUDGE

27.07.2017
jitender

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No