

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

CWP-22602-2016

Decided on: 13.12.2018

Star Food

.... Petitioner

Vs

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Sandeep Goyal, Advocate
for the petitioner.

Mr. Pankaj Gupta, Addl. A.G., Punjab.

Ms. Mamta Singla Talwar, DAG, Haryana.

AJAY KUMAR MITTAL, J (ORAL)

This petitioner has approached this Court under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari seeking quashing of the Notice dated 20.10.2016 (Annexure P-6).

2. At the outset, learned counsel for the petitioner submitted that in pursuance to order dated 28.11.2016, the goods have been released to the petitioner on furnishing of the bank guarantee of total value of the goods as shown in the order levying penalty. Further, the petitioner has been held entitled to deal with the goods in the manner he likes.

3. Learned counsel for the petitioner further submitted that certain question of facts are required to be established and the matter is under investigation under Section 156(3) of the Code of Criminal Procedure before Criminal Court. Accordingly, prayer was made that he

may be allowed to withdraw the present petition with liberty to the petitioner to pursue the said remedy. However, it was stated that the bank guarantee so furnished by the petitioner shall be renewed from time to time, but it shall not be encashed till the matter is finally settled as the the officers of Punjab and Haryana are already before the Criminal Court.

4. Dismissed as withdrawn. However, it shall be open to the petitioner to take recourse to the remedies as may be, available to it, in accordance with law. However, the bank guarantee shall be renewed from time to time by the petitioner and it shall not be encashed by the State(s) till the final decision is rendered in the criminal proceedings.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

13.12.2018
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No