

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26903-2017

DATE OF DECISION: NOVEMBER 19, 2019

AMARJEET

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ABHISHEK KAUSHIK, ADVOCATE FOR THE PETITIONER.
MR. K.S. SIDHU, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed under Section 482 Cr.P.C. by the accused (petitioner) with a prayer that the respondents be directed to defreeze his savings accounts. Learned counsel for the petitioner submits that the petitioner is an accused in case FIR No.205 dated 6.6.2014, under Sections 21/29/61/85 of NDPS Act, registered at Police Station City Tarn Taran and his accounts at Union Bank of India, Daimgang Branch, Amritsar and Account No.913010005868753 at Axis Bank Ltd. Amritsar have been illegally and wrongly freezed by the official respondents.

Learned counsel for the petitioner has contended that before freezing Savings account of the petitioner, relevant provisions of NDPS Act have not been complied with. He submits that the action of the respondents is illegal and therefore, a direction deserves to be issued to them to de-freeze the account.

Notice of the petition was issued on 11.8.2017.

Reply by way of affidavit of Satnam Singh, PPS, Deputy

Superintendent of Police, Sub Division Tarn Taran, District Tarn Taran was filed on behalf the respondents on 23.5.2018.

The prayer is opposed by learned State counsel who has highlighted that apart from this case, the petitioner is involved in 13 more cases. It has been stated that the petitioner was evading his arrest and was declared Proclaimed Offender vide order dated 20.1.2015 by the then Chief Judicial Magistrate, Tarn Taran. A separate case FIR No.87 dated 10.5.2017 under Section 174-A IPC was also registered at Police Station City Tarn Taran. Learned counsel has apprised the Court that the trial against the petitioner is under progress and out of 22 witnesses, 12 witnesses have already been examined.

After hearing the learned counsel for the parties, this Court finds that the argument raised by the petitioner can effectively be raised before the trial Court which is seized of the trial. Apart from it, there is nothing on record to indicate that the ground raised before this Court for de-freezing the account was ever raised before the trial Court.

In view of the above, this Court does not find any reason to invoke the inherent powers of this Court particularly, when the issue raised in this petition can be raised by him before the trial Court.

The petition is dismissed.

November 19, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No