

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

CRM-M No.28045 of 2018

Date of decision: 27.02.2019

Harpal Kaur @ Palo

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 27.11.2017 vide which the trial Court has declined to release the amount of Rs.1,88,012/- on superdari to the petitioner.

Counsel for the petitioner has submitted that the petitioner was arrested in the aforesaid FIR and while effecting the recovery, 1 Kgs. and 500 gms. of contraband, the aforesaid amount of Rs.1,88,012/- as detailed in the FIR was also recovered. Counsel for the petitioner has relied upon the order dated 04.12.2017 passed in CRR No.3176 of 2017 wherein, in a similar case in FIR No.64 registered in the same Police Station, it was directed that the case property i.e. the currency notes be released on noting down the number of the same at the time of releasing of the said amount on superdari.

Reply by way of affidavit of the Deputy Superintendent of Police, Sub Division Sunam, District Sangrur, filed in the Court is taken on record.

Counsel for the State has, however, submitted that the

petitioner is involved in some other cases.

Without commenting anything on merits of the case and in view of the order dated 04.12.2017 passed in CRR No.3176 of 2017, the present petition is allowed and the order dated 27.11.2017 is set-aside and the trial Court is directed to release the aforesaid amount to the person, from whom it was recovered against a proper receipt; noting down the number of currency notes or by keeping a photocopy of the same after obtaining affidavits of the applicant and accused person that they will not dispute the identity of the currency notes subsequently while leading prosecution evidence and will have no objection in exhibition of the report/photocopy of currency notes and after maintaining a proper report, in this regard.

(ARVIND SINGH SANGWAN)
JUDGE

27.02.2019
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No