

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

CRM-M-42027-2017 (O&M)

Date of decision: March 15, 2019

Bhim

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vaibhav Sharma, Advocate for
Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(ORAL)

CRM-35645-2017

Application is allowed, as prayed for.

CRM-M-42027-2017

This petition filed under Section 482 Cr.P.C. seeking quashing of impugned order dated 20.09.2017 vide which application for *superdari* in FIR No.262 dated 02.04.2017, under Sections 370, 370-A, 372, 34 of the Indian Penal Code; Sections 3, 4, 6 of Immoral Traffic Prevention Act and Sections 23 & 26 of Juvenile Justice, registered at Police Station Model town, Panipat was declined with respect to mobile phone.

However, learned State counsel has submitted that he has no objection if the said mobile phone be returned.

A perusal of the impugned order dated 20.09.2017 transpires that the application was dismissed solely on the ground that the said mobile phone was required to be produced during examination of witnesses. This court would like to reproduce the relevant para of the said impugned order which reads as under:-

“The mobiles in question are the case property in this case as the accused used these mobiles while talking with the prosecutrix/victim and the same mobiles are required to be produce during examination of witnesses in this case, therefore, the above said application moved by the applicant(s) is hereby dismissed.”

Learned State counsel, on instructions from ASI Ram Niwas No.725/PPT, has further submitted that all the accused have now been acquitted who are facing trial and two accused are still proclaimed offender.

In this view of the matter, the petition is allowed. However, mobile phone(s) be returned to the person from whom it was recovered against proper receipt and identification, and subject to the conditions, if any, so imposed, by the learned court below.

(RAJ SHEKHAR ATTRI)
JUDGE

March 15, 2019

m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No