

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-13592-CWP-2021 in/and
CWP-3063-2021 (O&M)

Date of decision : September 20, 2021

HARDEEP KAUR AND ANOTHER

.....Petitioners

Versus

UNION OF INDIA AND OTHERS

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. D.S. Gandhi, Advocate for the petitioners.

Mr. Shobit Phutela, Advocate for respondent No. 1.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

LISA GILL, J.

CM-13592-CWP-2021

Prayer in the application is for placing on record short reply by way of affidavit dated 08.09.2021 on behalf of respondent No. 1. Same is taken on record subject to just exceptions.

Application is disposed of.

CWP-3063-2021

Prayer in this writ petition is for directing respondents not to harass the petitioners or to stop them from using their marriage palace and not to attach their property unnecessarily without any justification.

Learned counsel for the respondents while referring to status report by way of affidavit dated 16.03.2021 on behalf of respondents No. 2 to 5 submit that FIR No. 26 dated 06.11.2017 was registered against Hardev Singh son of Makhan Singh, who is brother-in-law (Dewar) of petitioner No. 1 and cousin brother of respondent No. 2 (son of real paternal uncle (chacha) of petitioner No.2, Sukhdev Singh). Vide order dated 17.07.2020 it has been concluded that property of the petitioners was purchased through illicit finances from drug trafficking. Order

dated 17.07.2020 was confirmed on 10.08.2020, copy of which is attached as Annexure R2 with the status report. Learned counsel for the respondents further submits that order dated 17.07.2020 confirmed on 10.08.2020 under Section 68 F(2) of The Narcotic Drugs and Psychotropic Substances Act, 1985 is an appealable order.

Learned counsel for the petitioners while submitting that petitioners were never served with any notice nor heard before passing of the order in question, is unable to deny that the same is an appealable order. Learned counsel for the petitioners further submits that though necessary concessions would be available in view of various orders passed by the Hon'ble Supreme Court in this regard, bar of limitation may still stare the petitioners in their face as period of limitation for filing an appeal is 45 days. Learned counsel for the petitioners, thus, submits that petitioners be permitted to withdraw this petition with liberty to file an appeal with a direction to the Appellate Authority to decide the same on merits.

Keeping in view the facts and circumstances, writ petition is dismissed as withdrawn with liberty to the petitioners to avail remedy of appeal. In case, such an appeal is filed within fifteen (15) days of receipt of certified copy of the order, question of limitation be decided sympathetically as per guidelines/parameters laid down in various orders passed by the Hon'ble Supreme Court and First Division Bench of this Court in respect to period of limitation during the outbreak of pandemic COVID-19 and in accordance with law.

September 20, 2021
Rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No