

CRM-M-41360-2021

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

(225)

CRM-M-41360-2021.
Date of Decision:-22.12.2021.

Baljinder Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. S.S. Sandhu, Advocate for respondent No.6-NIA.

VIKAS BAHL, J. (Oral)

This is a petition under Section 482 of Cr.P.C. for directing the respondents to open the locks on the shop of the husband of the petitioner, which is stated to have been illegally locked by the respondents.

Status report by way of affidavit filed by the learned State counsel is taken on record.

Learned counsel for the petitioner has submitted that the petitioner got married to one Ranjit Singh and the said Ranjit Singh was running a grocery shop in Kalanaur, District Gurdaspur and FIR No.135 dated 25.04.2020 was registered against two persons namely, Bikramjit Singh alias Vicky and Maninder Singh alias Manni and on their statement, the husband of the petitioner namely, Ranjit Singh was also sought to be

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implicated in the case and was arrested on 07.05.2020. It is argued that while arresting the petitioner, the Punjab Police locked the grocery shop being run by the husband of the petitioner and took away the keys and subsequently, the investigation in the case was handed over to the National Investigation Agency and the case was registered as RC No.23/2020 dated 08.05.2020. It is further submitted that after the arrest of the husband of the petitioner, the petitioner requested the local police to hand over the keys of the above said shop as the same was the source of livelihood of the petitioner and her children. It is further argued that locking of the shop without any order of a competent Court is illegal and arbitrary and even the articles belonging to the petitioners and the family members are lying inside the same. Reliance has been placed upon an order passed a Co-ordinate Bench of this Court dated 20.09.2019 passed in **CRM-M-32133-2019** titled as **Ramandeep Kaur Vs. State of Punjab** and others as well as order dated 09.01.2020 passed in **CRM-M-51382-2019** titled as **Baldev Singh and another Vs. State of Punjab and others** to contend that in such like situations, this Court has directed the police officials to hand over the keys to the petitioner. Moreover it is submitted that, the petitioner is not involved in the criminal case.

Learned State counsel appearing on behalf of respondent Nos.1 to 5 has submitted that in fact the keys were handed over to one Sukhjeet and however, at present, the keys are not with the Police officials.

Learned counsel for respondent No.6, on instructions from Inspector Rohit Meelu has submitted that in the present case, arrest and search was made by the Punjab Police and the keys of the shop were never

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handed over by the Punjab Police to the agency at the time of handing over the documents. Thus, no direction could be issued to/against respondent No.6.

Keeping in view the above-said facts and circumstances and also the fact that the petitioner is not involved in the case and as a source of livelihood of the petitioner and her family, the running of the shop is very necessary and also the fact there is no opposition from the respondents with respect to the shop being opened by the petitioner and also, in view of the orders passed by Co-ordinate Benches of this Court in Ramandeep Kaur and Baldev Singh's case (supra), the present petition is disposed of with the observations that it would be open to the petitioner to unlock/open the shop and use the same.

(VIKAS BAHL)
JUDGE

December 22, 2021.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No