

CWP-20030-2021

Date of decision : October 01, 2021

Aditya Traders

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Himanshu Jain, Advocate for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner in this case is aggrieved of freezing of his bank account by the respondent – authorities in relation to FIR No. 142 dated 09.07.2020 under Sections 419, 420, 467, 468, 471, 120B IPC registered at Police Station Bhondsi, Gurugram. It is submitted that petitioner is not an accused in the FIR and has no role to play in the same. Learned counsel argues that the only connection between the petitioner– firm and accused in the said FIR is that accused had purchased cloth from the petitioner's shop and payment had been paid to the petitioner – firm for the goods purchased by the accused.

Heard learned counsel for the petitioner.

It is not denied that bank account of petitioner has been freezed in connection with the investigations being carried out in FIR No. 142 dated 09.07.2020 under Sections 419, 420, 467, 468, 471, 120B IPC in exercise of powers under Section 102 Cr.P.C. Remedy available to the petitioner is under Section 457 Cr.P.C. It is useful to refer to a decision of the High Court of Bombay/Mumbai in the case of *Indrakumar Faredun Irani Vs. State of*

Maharashtra and others, 1989 Cri LJ 1439. While referring to a judgment of the Hon'ble Supreme Court in Ram Parkash Sharma Vs. State of Haryana, (1978) 2 SCC 491, it is observed that the Magistrate having jurisdiction is the proper authority at the first instance, for passing order under Section 102 of the Criminal Procedure Code, 1973 regarding custody of the property seized by the police during investigation. Gainful reference can also be made to decision dated 22.09.2021 in CWP-14959-2021 titled as S. Xavier Susairathinam and others versus State of Haryana and others, wherein the matter has been dealt with in greater detail.

Keeping in view the facts and circumstances as above, no ground for interference at this stage is made out in the present writ petition. Needless to say, petitioner is at liberty to approach the concerned Magistrate for redressal of grievance as raised in this writ petition.

Present petition is, accordingly, disposed of.

October 01, 2021
Rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No