

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CWP No.22590 of 2020

Date of decision: 19.04.2021

Reshma H. Singh

.....Petitioner

versus

Central Bureau of Investigation ACB Delhi and Ors.

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Ms. Samridhi, Advocate for
Mr. Vinod S. Bhardwaj, Advocate
for the petitioner.

Mr. Sumeet Goel, Standing Counsel for CBI-
respondent Nos.1 and 3-CBI.

Mr. Rohit Kaushik, Advocate
for respondent No.2.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court on account of
restrictions due to COVID-19].*

GIRISH AGNIHOTRI, J. (Oral)

Petitioner Reshma H. Singh, stated to be aged 54 years has filed the present writ petition *inter alia* with a prayer to quash the impugned order dated 07.04.2005 (Annexure P1) passed by Inspector of Police/SPE CBI ACB Chandigarh, with a further prayer to direct the respondents to open Locker No.29 in her name in the Punjab National Bank, Sector 8 Branch, Chandigarh, operation whereof had been stopped vide order dated 07.04.2005 (Annexure P1).

Records of the case show that vide order dated 04.01.2021, notice of motion was issued. Thereafter, on 14.01.2021, this Court had passed the

following order:-

'Records of the case show that on 04.01.2021, notice of motion was issued.

In reply filed by Mr. Shakti Kumar, Sub-Inspector of Police, CBI, AC-III, New Delhi, it has been stated in para 27 of the same as under:-

“27. That in reply to the averments made, it is submitted that during the investigation a search was conducted at the residential premises of husband of petitioner on 07.04.2005. Subsequently, the said locker i.e. locker No.29, held in the name of petitioner was also operated on 07.04.2005 at that time petitioner was also present and she had put her signature on the observation memo prepared for the same. Thereafter the said locker was freezed u/s 102 Cr. P.C. The chargesheet was filed by CBI in RC 03(A)/2004/CBI/ACU-IX/New Delhi. The trial of this case was conducted by Special Judge Court, CBI cases at Rohini, Delhi. Further, it is submitted that the petitioner has never approached CBI, AC-III, New Delhi or trial Court, who is the competent forum for releasing her locker No.29. Special Judge Court, Rouse Avenue Court Complex is appropriate authority to allow the operation of the said locker and the petitioner has not exhausted that remedy and directly moved this petition before this Hon'ble Court which is liable to be dismissed in view of the same.”

In view of the above, learned counsel for the petitioner makes a request that he would submit a written request to CBI, AC-III, New Delhi, for the release of her locker No.29 so that she may be allowed the operation of the said locker.

Learned counsel for the respondents submits that in view of the stand taken by the respondents in the reply, in case she would approach the concerned authority, the grievance shall be looked into.

Learned Standing counsel for respondents No. 1

and 3-CBI also submits that there is also remedy with the petitioner to approach the trial Court.

In view of the above peculiar facts and circumstances, it is not denied as a matter of fact that the search was conducted at the residential premises of husband of the petitioner on 07.04.2005. Thereafter, the said locker No.29 held in the name of petitioner was operated on 07.04.2005. It is also not disputed that chargesheet was filed by CBI against the accused but the petitioner or her husband were not made the accused. Therefore, in the above peculiar circumstances, this Court deems it appropriate to direct that in case the petitioner makes a written representation with a request to the Competent Authority i.e. CBI, AC-III, New Delhi, for the grievance made in the present writ petition, i.e. for the defreeze of the locker, the same shall be looked into and decided in accordance with law within a period of one month from the date of certified copy of the order.

It is further directed that in case, the appropriate orders in favour of the petitioner are passed by the Competent Authority, the Bank shall forthwith implement the same within one week thereafter.

List on 23.03.2021.'

Today on resumed hearing of the case, learned counsel for respondent Nos.1 and 3 submits that the substantial relief as prayed for in the writ petition has been granted inasmuch as the respondent Nos.1 and 3 have written to respondent No.2-Bank to defreeze the locker and further handed over the keys to the petitioner.

Learned counsel for the petitioner also submits that the above stated position is correct and she also has same instructions from her counsel.

In view of the above, since the substantial relief has already been granted, no further orders are called for.

Accordingly, the present writ petition is disposed of.

(GIRISH AGNIHOTRI)
JUDGE

19.04.2021
 jyoti3

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No