

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

CRR No. 1659 of 2021 (O&M)

Date of decision: 15.12.2021

Sunil @ Sunil Kumari

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vineet Jakhar, Advocate for the petitioner.
Mr. Karan Sharma, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This criminal revision is filed aggrieved of the order dated 28.10.2021 passed by Additional Sessions Judge, Charkhi Dadri disposing of the application under Section 165(5) Cr.P.C.

During trial of FIR No. 275 dated 9.11.2020, under Sections 420, 467, 471, 465, 477A, 409 and 120-B IPC and Section 13(A) of the Prevention of Corruption Act, 1988 registered at Police Station Dadri City, an application was moved by the petitioner for providing copies of record of search carried out in the house occupied by her.

During pendency of the application, statement of Ram Singh, Deputy Superintendent of Police was recorded that he did not conduct any search proceedings at the house of the applicant, rather the recovery was effected in pursuance to the disclosure statement made by the accused.

Noting the contention that no search was conducted, the

application was disposed of as infructuous. Operational paragraph of the said order is quoted below:

“Heard. Being no search proceedings were conducted and no record of any kind was prepared in this regard, rather, cash amount was got recovered by accused namely Sandeep in pursuance of his disclosure statement, the present criminal misc. stands disposed of being infructuous. After due compliance, file be consigned to records.”

Learned counsel for the petitioner submits that he has no grievance with regard to rejection of the application under Section 165(5) Cr.P.C., however observation of the Court that *“rather, cash amount was got recovered by accused namely Sandeep in pursuance of his disclosure statement”* would have bearing on the trial.

Mr. Karan Sharma, DAG, Haryana appears on advance notice. He submits that these observations are only with regard to disposal of the application.

The criminal revision is disposed of and it is clarified that the observations *“rather, cash amount was got recovered by accused namely Sandeep in pursuance of his disclosure statement”* made by the court shall not be construed as an expression of opinion on the merits of the case and the same are only for the purpose of deciding the application under Section 165(5) Cr.P.C.

[AVNEESH JHINGAN]
JUDGE

15th December, 2021
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1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No