

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1330-2020

Date of Decision: 13th May, 2022

Punjab Agro Foodgrains Corporation Ltd.

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : None for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. H.S. Jalal, Advocate for respondent No.2.

Mr. P.K. S. Phoolka, Advocate for respondent No.5.

AVNEESH JHINGAN , J.(Oral)

This petition is filed seeking directions to the Court of Special Judge, Bathinda to pass order in the application dated 5.5.2017 filed by the petitioner for release of the amount recovered from respondent No.2 by the police party in case of FIR No. 3 dated 4.1.2013 registered under Sections 406/409/420/120-B IPC and Section 13(2) of the Prevention of Corruption Act, 1988 at P.S. Ballianwali, District Bathinda.

The grievance raised in this petition is that the application dated 5.5.2017 for release of the amount filed by the petitioner was not decided.

Report was called from District Judge, Bathinda. The report dated 7.5.2022 is received and the relevant portion is quoted herein below :-

“During proceedings of that very application, applicant Malkiat Singh (accused) also moved an application of the same nature on 4.10.2017 for release of amount of Rs. 10 lakh in his

favour, claiming that same was recovered by the police from him, during investigation proceedings.

The said Corporation (Punjab Agro Foodgrains Corporation Ltd., Bathinda) filed reply to the aforesaid application of Malkiat Singh. The previous application of said Corporation (Punjab Agro Foodgrains Corporation Ltd., Bathinda) remained pending as it is while appended with the application of said Malkiat Singh.

However, at the time of disposal of application of said Malkiat Singh vide order dated 9.8.2019 (copy of order appended herewith) by my learned Predecessor, having no reference or mention of application dated 9.5.2017 (said to be of 5.5.2017) moved by Punjab Agro Foodgrains Corporation Ltd., Bathinda.

Finally, it is further humbly submitted that in the light of above said record it is evident that no order was passed on application (dated 9.5.2017) moved by Punjab Agro Foodgrains Corporation Ltd. Bathinda, while disposing of CRM No. 698-2017 by learned Predecessor of this Court.”

None has put in appearance on behalf of the petitioner in spite of two pass overs. Same was the position on the last two dates.

Petition is disposed of with a direction to the Court concerned to decide the application dated 5.5.2017 (Annexure P-5) within two months from the date of receipt of certified copy of this order.

(AVNEESH JHINGAN)
JUDGE

13th May, 2022
anuradha

Whether reasoned/speaking
Whether reportable

Yes/no
Yes/no