

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CRM-M-55390-2022

Date of Decision: 30.11.2022

ABBAS ALI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Abdul Aziz, Advocate,
for the petitioner

Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

The petitioner, through instant petition under Section 482 Cr.P.C. read with Section 454 Cr.P.C, is seeking setting aside of order dated 03.02.2022 (Annexure P-6) whereby learned trial Court has dismissed application of the petitioner seeking release of Rs.2,72,400/-, which was seized during the course of investigation of FIR No170 dated 30.10.2019 (Annexure P-1) under Sections 15, 21/61/85 of NDPS Act, registered at Police Station City-I Malerkotla.

Learned counsel for the petitioner would submit that cash was seized from his residence and petitioner is not involved in any other case, thus, it is unfair and unjustified to allege that recovered money is proceeds of crime. The prosecution has wrongly made it case property. The trial court has already framed the charges and in the challan, there is no averment qua alleged money, thus, petitioner is entitled to release of the same.

I have perused the record and heard arguments of the petitioner.

The petition is bereft of merit and deserves to be dismissed.

The alleged cash was not recovered from the possession of the petitioner and it was received during course of investigation. In terms of different provisions of NDPS Act, the investigating agency is quite competent to seize cash. The trial is at nascent stage and it cannot be concluded that alleged money is not proceeds of crime. There is no cogent reason to believe that alleged money is not proceeds of crime. This Court, at this stage, cannot record any reason. Thus, left with no other option, the present petition is dismissed.

(JAGMOHAN BANSAL)
JUDGE

30.11.2022

mohit kumar

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No