

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

CRM-M-12969-2022 (O&M)

Reserved on 29.11.2023

Pronounced on: 02.12.2023

Central Bureau of Investigation

.....Petitioner

Versus

Arvinderjeet Kaur Puri

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Argued by : Mr. Rajeev Anand, Advocate
for the petitioner.

Mr. Tushar Ranjan Mohanty, Advocate
for the respondent.

MANJARI NEHRU KAUL, J.

1. The petitioner has invoked the inherent jurisdiction of this Court under Section 482 of the Cr.P.C. for quashing of order dated 24.12.2021 (Annexure P-1) in FIR No.RC2172021A0004 of CBI, AC-II, New Delhi whereby the learned Special Judge (CBI), Haryana at Panchkula has allowed the application dated 25.11.2021 moved by the respondent for de-freezing of her bank accounts.

2. Learned counsel for the petitioner-CBI submits that the Court below had erroneously allowed the application filed by the respondent for release of her bank account.

3. It has been vehemently submitted that a reasonable suspicion exists that the proceeds from the ill-gotten wealth/criminal activities acquired by the prime accused Harjeet Singh Puri, spouse of the respondent were deposited in various bank accounts held by close

relatives, including the respondent. Consequently, there may exist a potential nexus between this money trail and the bank account of the respondent which would have been possibly used for the purpose of purchasing properties, paying insurance premium, among other transactions. Additionally, it has also been asserted that substantial evidence had been collected by the CBI against the respondent which led to her being named as an accused through the supplementary charge sheet. It has been furthermore contended that though the bank accounts of the respondent were not explicitly included in the charge sheet, however, the CBI had already gathered information regarding disproportionate assets of the accused including the respondent for which an FIR had also been lodged against the respondent, thus warranting her bank accounts to be maintained as they existed on 13.07.2021. It has still further been thus prayed that since the respondent is facing three other FIRs including the instant FIR, the maintaining her bank accounts as existed on 13.07.2021 is necessitated on account of pending investigations in those cases. A prayer has been made that an unconditional release of the bank account of the respondent be not permitted and instead she be ordered to maintain the account balance in her bank account as it stood on 13.07.2021.

4. Per contra, learned counsel appearing for the respondent accused has asserted that there exists no substantial material on record indicating her involvement in the case in hand; which is evident from the omission of her bank account from the charge sheet which has been presented against her. While drawing the attention of this Court to order dated 30.01.2023 passed by learned Special Judge, CBI, it has been

further submitted that the bank account of the prime accused Harjeet Singh Puri has been released. It was a matter of record that the CBI had not challenged the aforesaid order releasing Harjeet Singh Puri's bank account and thus the petitioner was now precluded from challenging the releasing of the accounts of the respondent. Additionally, it has been argued that since another FIR pertaining to disproportionate assets is neither before the Special Judge, CBI nor before this Court at this juncture, it would be legally impermissible to seek the freezing of the bank accounts of the respondent on this basis and a separate procedure would have to be pursued by the CBI in the relevant case. It has been still further highlighted that the respondent has a separate source of income as she is taking tuitions and has been severely impacted due to attachment of her salary account, making it extremely difficult to sustain herself.

5. It has also been urged that the Court below had already imposed a condition upon the respondent requiring the execution of a personal bond before the investigating officer to deposit an equivalent amount that was present in her bank account on 13.07.2021.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. It is trite to observe that the investigating agency does have the power under Section 102 of the Cr.P.c. to seize the bank accounts, an action which undoubtedly falls within the scope of the term seizure of "property" as used in the aforesaid Section.

8. For facility of reference, Section 102 of the Cr.P.C. is reproduced as under:-

“102. Power of police officer to seize certain property.

(1) Any police officer, may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence.

(2) Such police officer, if subordinate to the officer in charge of a police station, shall forthwith report the seizure to that officer.

(3) Every police officer acting under sub- section (1) shall forthwith report the seizure to the Magistrate having jurisdiction and where the property seized is such that it cannot be conveniently transported to the Court, he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the further orders of the Court as to the disposal of the same.”

9. However, what flows from the above provisions of Section 102 of the Cr.P.C. is that the requirement for such a seizure is that there must be a nexus between the bank account and the offence alleged, so as to give rise to a suspicion qua the commission of an offence. In the case at hand, learned counsel for the respondent has submitted that she has a separate and independent source of income as a teacher and since her salary accounts have been attached, she has been unable to meet her ends. It has not been disputed by the learned counsel for the CBI that the bank accounts of the prime accused Harjeet Singh Puri had been released by the learned Special Court vide order dated 30.01.2023, which had not been challenged by the CBI before any forum. The release of the bank accounts of the respondent has been opposed by the learned counsel for the CBI, mainly on the ground that another FIR under the PC Act for disproportionate assets stands registered against her, however, this contention of the CBI cannot be accepted at this stage, as the said FIR is not pending adjudication before this Court.

Apart from the above contention, no intervening circumstances have been brought to the notice of this Court which would warrant freezing of the bank accounts of the respondent moreso, since the CBI has not disputed that the bank accounts of the respondent were not made part of the charge sheet or of the case property.

10. It was prayed by the learned counsel for the CBI that some conditions may be imposed upon the release of the bank accounts of the respondent, however, a perusal of the impugned order reveals that among other conditions, a condition already stands imposed on the respondent to furnish an undertaking that she would maintain the minimum balance amount as well as execute a personal bond with the investigating officer to deposit the equivalent amount as was in existence on 13.07.2021 in case she withdrew any amount from the bank account in question.

11. As a sequel to the above, no ground is made out to interfere with the impugned order. Accordingly, the instant petition stands dismissed.

12. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

02.12.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No