

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

276

CRM-M-13683-2023 (O&M)
Date of decision: 18.07.2023

STATE BANK OF INDIA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Akshay Jain, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

PANKAJ JAIN. J.(Oral)

1. Present petition has been filed under Section 482 Cr.P.C for setting aside the order dated 16.02.2023 (Annexure P-1), declining the prayer of the bank to release the gold ornaments/articles to the customers to pledge the same while availing loan facilities. Further prayer has been made by the bank to dispose of the gold ornaments/articles in the event, the customer commits default was also declined.

2. It is not disputed that gold ornaments/articles were videographed and photographed and were exhibited before being released to the bank.

3. Today, status report/short reply by way of affidavit dated 02.05.2023 of Harinder Singh Mann PPS, Superintendent of Police (City-I), District SAS Nagar has been filed on behalf of respondent-State of Punjab in the Court today, the same is taken on record, wherein specific stand of the State is as under:-

“7. That it is respectfully submitted that, in the above said case gold ornaments recovered from accused Sonu Kumar had already

been released on sapurdari to SBI Bank as per order of the Ld. Court of ASJ Mohali and inventory of gold ornaments and videography of gold ornaments had already been prepared while releasing the gold ornaments on sapurdari as per the order of the Ld. Court of ASJ Mohali. That the answering respondent has no objection, if the said gold ornaments be released to the customers of the bank who had pledged those gold ornaments with the bank and in case of default by customers liberty be granted to the bank to further sell the gold ornaments.”

4. In view of the stand taken by respondent, the petitioner is granted liberty to deal with the gold ornaments/articles which are subject matter of the present trial in accordance with law. Petitioner shall maintain the record of the gold ornaments/articles including that of transactions made by it till trial is concluded.
5. Needless to observe herein that the petitioner is involved in banking business. The customers and the bank cannot be made to suffer for the time spent in the trial.
6. In view of the above, the present petition is allowed and the order dated 16.02.2023 (Annexure P-1) is set aside.

(PANKAJ JAIN)
JUDGE

July 18, 2023
Amandeep

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No