IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

227

CWP-14522-2019
Date of decision: 11.12.2023

ANIL KUMAR AND ANOTHER ......Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS ....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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Present: - Mr. Sunil Chadha, Senior Advocate with
Ms. Taanvi Dhull, Advocate
for the petitioners.

Ms. Niharika Sharma, AAG, Punjab.

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VINOD S. BHARDWAJ, J. (Oral)

Prayer made in the present writ petition was for directing the respondents to issue appropriate and strict directions forthwith to police personnel posted in the State of Punjab not to detain the carrier of gold bullion or ornaments/diamond or diamond jewelry articles in an illegal, arbitrary and capricious manner and without following law or unlawfully confiscating gold considering that the market is volatile and there are huge financial variations in the pricing of the precious metal/stones.

After the issuance of notice, the respondent-State has circulated the guidelines for compliance by the police officials vide memo No. 10931-69/CR/SW dated 07.05.2023 for verification of the tax invoices bills etc. of the gold/bullion carriers/jewelry and to refrain from carrying out a press release or a press conference unless verification of the documents was done and individual was found in illegal possession. The relevant part of the guidelines and instructions issued by the Additional Director General of Police, Security, Punjab to all police personnel is extracted as under:

> *"1) Whenever any individual is stopped/checked by field units with gold ornaments and jewellery, they should be directed to produce the original and authentic GST invoice and bills, tax invoices.*
>
> *2) If, on production of bills, tax invoices and documents regarding Gold/diamond jewellery police officer/officials suspects something suspicious then those bills, tax invoices should be got verified and checked by the concerned districts Economic Wing, Gazetted Officers.*
>
> *3) Further, before releasing any kind of press release or hold any press conference, all the concerned CPs and SSPs should get the facts checked/verified from the concerned Tax Department and GST Department before making any such comments or make any press release and bring it in the public domain. These directions shall protect the image and business of not-guilty/suspected individuals/businessmen who deal in jewellery and ornaments business.*

Learned Senior counsel appearing on behalf of the petitioner contends that his grievance is only with respect to non prescribing of any time schedule for verification of the bills/tax invoices etc., in the event of the police official suspecting the originality of the documents produced by the carrier to the authorities. He contends that he would be satisfied in case the officers deputed as per the aforesaid instructions are also called upon to carry out such verification in a time bound manner.

Counsel for respondent-State has no objection to the same.

Accordingly, the present writ petition is disposed of without commenting on the merits of the case by observing that the police personnel shall abide by the guidelines/instructions dated 07.05.2023 issued by the Additional Director General of Police (Security), Punjab for carrying out checking/apprehension of carriers travelling with bullion/gold ornaments/diamond and diamond jewelry. The individual who is stopped may be released on production of the original and authentic GST Invoice Bills and tax invoice etc. and that in the event any suspicion being recorded/expressed by the police officers, the verification required to be carried out by the District Economic Wing/Gazetted Officer should be carried out expeditiously and preferably within a period of three working days but not later than 05 working days. Insofar as the second prayer made in the present petition as regards seeking compensation is concerned, the same is a disputed question of fact and would require adducing of evidence. The petitioner may, if so advised, take recourse to his remedies in accordance with law for claiming such compensation.

Disposed of accordingly.

(VINOD S. BHARDWAJ)

DECEMBER 11, 2023 **JUDGE**

Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No