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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.51534 of 2022 (O&M)

Date of Decision: 06.09.2023

Gurpreet Singh @ Akashdeep Singh

..... Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Anoop Chitkara, J. (Oral)

FIR No.	Dated	Police Station	Sections
135	13.07.2008	City Moga	218, 420, 465, 467, 468, 471, 472, 120-B of IPC and Section 13(2) of Prevention of Corruption Act, 1988 and Section 12 of the Passport Act, 1967

1. Seeking setting aside of order dated 21.12.2021 passed by the Court of learned Additional Chief Judicial Magistrate, Moga whereby application for release of FDR disposed of infructuous, the petitioner has come before this Court under Section 482 Cr.P.C.
2. The limited ground on which the petitioner has filed the present petition is that the trial Court instead of perusing the record, disposed of his application based on the report of concerned Clerk that FDR is not available on record, however the same is attached with the case file.
3. I have heard the counsel for the parties and gone through the record. Perusal of Annexure P-1 and order dated 18.06.2016 reflects that the petitioner was directed to furnish a bank guarantee of Rs.10.00 lacs and he did so. As concerned for the FDR of which the petitioner is seeking release, from the record it cannot be ascertained as to whether any such FDR is on record of the trial Court. The petitioner

failed to annex a photocopy of Annexure P-5 from where this Court may presume that the same is available on record of the trial Court.

4. Given the above discussion, the trial Court is directed to look into the matter afresh. Since, the petitioner has already been acquitted, retaining of amount is not required and the same be released, if otherwise not forefeited by any order in the *interregnum*. If the amount is in the shape of bank guarantee, the same be discharged in accordance with law. The petition is allowed to the extent that the concerned Court shall call for fresh report and decide the application afresh within three months from the date of receipt of this order.

6th September, 2023

Sonia Puri

(ANOOP CHITKARA)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No