

249 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54179-2023

DATE OF DECISION:-05.12.2023

ISS SDB Security Services Pvt. Ltd.

...Petitioner.

Vs.

State of Punjab and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Riffi Birla, Advocate,
for the petitioner.

Mr. G.S. Dhillon, Addl. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition under Section 482 Cr.P.C., prayer has been made for issuance of directions to release the case property/sum of Rs.43,00,000/- allegedly recovered by the Police from respondent No.2 and 3 in connivance with respondents No.4 to 6, who were arrayed as accused in FIR No.105, dated 24.09.2014, under Sections 380, 408 and 409 IPC, Police Station City Fazilka.

2. The proceedings qua release of the aforesaid amount are already subjudice before the Trial Court in furtherance of an order dated 04.10.2017 passed by this Court in CRM-M-43464-2016, titled as “ISS SDB Security Services Pvt. Ltd. vs. State of Punjab and others”, wherein the following observations were made”-

“The trial court obviously would ultimately pass an order for final disposal of the case property under Section 452

Cr.P.C and the parties including petitioner and the respondents would be entitled to claim the property by showing lawful possession or ownership of the property before the court.

In the result, I make following order:-

Order

- (i) CRM-M-43464 of 2016 is allowed.*
- (ii) Revisional order dated 21.09.2016 is quashed and set aside.*
- (iii) The parties are at liberty to put their respective claims before the trial court in respect of case property according to law.*

All the observations made herein above are restricted for the decision of the present petition only and shall not influence the trial court while deciding the issue on merits.”

3. Once, the matter has already been pending adjudication before the Trial Court in pursuance of direction issued by this Court, no further orders are required to be passed in the present petition. However, considering the fact that the FIR in question was registered way-back in the year 2014 and the final judgment was passed by the Trial Court on 21.09.2016, the Court below is requested to adjudicate upon the proceedings pending under Section 452 Cr.P.C. as directed by this Court as expeditiously as possible, preferably within a period of two months from the date of receipt of ceritifed copy of this order.

4. In view thereof, the present petition stands disposed of.

05.12.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No