

135/1

2024:PHHC:049221

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10544-2024

Date of Decision : 10.04.2024

DEEPAK

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. One Pawan Om Parkash Gupta, who is a proprietor of South Freight of India, through his power of attorney in favour of present petitioner-Deepak, has filed the instant petition under Section 482 Cr.P.C. challenging the order dated 25.01.2024 (Annexure P-1), passed by the learned Additional Sessions Judge, Narnaul, whereby, his application releasing of goods on *sapurdari* (Annexure P-2), recovered from vehicle No.HP-93-A-9674, make Tata Ultra, was declined.

2. In order to throw challenge to the order (*supra*), learned counsel for the petitioner, submits that the articles which were lying in the aforesaid vehicle, has no concern with the contraband recovered from that vehicle.

3. He further submits that in response to the application (Annexure P-2), filed for releasing of goods on *sapurdari*, the investigating agency had extended no objection, but despite that the application was dismissed, solely on the ground that the investigation is still pending.

4. He further draws attention of this Court to the reply dated 13/14.03.2024, filed on behalf of respondent no.1 to 3, (which is annexed with the connected petition CRM-M-10890-2024), to submit that now the investigation is complete, and the goods which are in the custody of investigating agency, has no concern whatsoever, with the contraband recovered from that vehicle.

5. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

6. The sole reason for declining the application (*supra*), by the learned Additional Sessions Judge, Narnaul, was that the pendency of investigation. Since the investigation in the instant matter, has already been completed, as per the reply (*supra*), and further, the investigating agency has extended no objection for releasing of goods recovered from the vehicle (*supra*), this Court is of the view that goods which are lying with the police *malkhana* would loose its value with the passage of time. Therefore, finding merit in the present petition, the same is **allowed**, and the impugned order (*supra*), is ordered to be set aside and the matter is remanded back to learned Additional Sessions Judge, Narnaul, with the direction to consider, and decide the application (Annexure P-2), afresh, after ascertaining the ownership of the goods, and appropriate orders as per law be passed.

April 10, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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