

CWP-18904-2023

-1-

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

257

CWP-18904-2023

Date of decision: 13.05.2024

Jagir Kaur**...Petitioner****Versus****State of Punjab & ors.****...Respondents****CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present : Mr. Charanpreet Singh, Advocate for
Mr. B.S. Kathuria, Advocate
for the petitioner.

Ms. Nitika Sharma, A.A.G., Punjab.

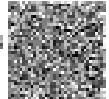
Mr. Himmat Singh, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition is for quashing of the order dated 19.04.2017 (Annexure P-1) passed by respondent No.2 and a further prayer is sought for directing the respondents to release the land of the petitioner in view of the judgment dated 26.02.2020 (Annexure P-2) passed by Judge, Special Court, Shaheed Bhagat Singh Nagar.

Learned counsel for the petitioner contends that an FIR bearing No.53, dated 04.07.2015 was registered against the petitioner under Sections 15, 18, 20, 21, 22, 25 and 29 of the NDPS Act at Police Station Mukandpur, District SBS Nagar, as well as against her sons Tony, Ram Bahadur and her daughter in law Raj Rani wife of Ram Bahadur, on the secret information that they are indulged in sale and purchase of opium, poppy husk, smack, heroin and intoxicant substance. On the

recommendation of SHO, Police Station Mukandpur, respondent No.2

**CWP-18904-2023****-2-**

passed the freezing order dated 19.04.2017 and seized the land measuring 14 kanals 12 marlas as per the jamabandi for the year 2008-09, Hadbast No.211, situated in the area of Village Aur, Tehsil Nawanshahr, District SBS Nagar, as detailed out in Annexure P-1. An appeal was preferred against the said order of seizure by the petitioner.

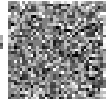
Learned counsel for the petitioner contends that as per Section 68-Z (2) of the NDPS Act, if an order of seizure has been passed, consequent upon registration of FIR, but where the accused has been acquitted or discharged from the charges under the Act or any other corresponding law and when the acquittal was not appealed against or when appealed against, the appeal also has been disposed of, the order of forfeiture is required to be withdrawn and the property seized or frozen has to be released.

Learned counsel for respondent-State submits that the petitioner is indulged in permanent trade of intoxicants and psychotropic substances and as many as three FIRs have been registered against the petitioner, whereas 11 FIRs have been registered against her husband and four against her son namely Ram Bahadur, while three FIRs against her other son namely Toni. It is submitted that the petitioner and her entire family members are indulged in the narcotic trade.

Learned counsel for the respondent No.2 also reiterates the submissions as advanced.

I have heard learned counsel for the parties and have gone through the record.

It is evident from the perusal of the order dated 19.04.2017 that

**CWP-18904-2023****-3-**

directions for freezing of the property was passed as consequence of FIR No.53 dated 04.07.2015 (supra) registered at Police Station Mukandpur, Shaheed Bhagat Singh Nagar. Hence, acquittal of the petitioner in the aforesaid case will directly bring in the statutory provision of Section 68-Z (2) of the NDPS Act. Hence the order of forfeiture passed by the respondent authority will stand vitiated. However, passing of the instant order shall however not stand in the way of competent authority to pass other appropriate order under the correspondent provisions of the NDPS Act for taking appropriate action, so advised. No appeal has been preferred even though judgment of acquittal was passed in 2020.

Petition stands disposed of accordingly.

13.05.2024
monika

(VINOD S. BHARDWAJ)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No