

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.57456 of 2023
Decided on: 19.10.2024

Jasmer Singh ...Petitioner

Versus

State of U.T. Chandigarh ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arvind Kashyap, Advocate
for the petitioner.

Mr. Rajiv Vij, APP, UT Chandigarh

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
154	23.07.2002	Sector-26, Chandigarh	342, 386, 506, 34 IPC

1. Seeking reversal of order dated 07.09.2019 passed by Additional Chief Judicial Magistrate, Chandigarh vide which the petitioner's application for removing entries of attachment on the land record was dismissed, the petitioner had come up before this Court under Section 482 Cr.P.C
2. I have heard counsel for the parties and have gone through the record and its analysis would lead to following outcome.
3. Based on a complaint filed before District Magistrate by one Virender Singh against the petitioner-Jasmer Singh, the District Magistrate, Panipat had proceeded further and the proclamation proceedings were issued against him vide order dated 21.01.2003.
4. Pursuant to the said proclamation proceedings vide report dated 28.03.2003, the concerned Qanungo Halqa had made entries in the revenue record regarding the land of the petitioner-Jasmer Singh son of Ram Chander in village Israna, Panipat and the proceedings were entered by Patwari Halqa in *roznamcha* vide report number 338 dated 28.03.2003. The said report was also attested by Qanungo Halqa and forwarded to the Tehsildar concerned. After that the investigation did not find any evidence against the petitioner and vide report dated 01.09.2003 filed by Sub Division Police Officer East Division, Union Territory, Chandigarh (Annexure P3), it was intimated that in the FIR captioned above, no clue was found and untrace report was forwarded on 16.02.2003.
5. Thus, the matter has come to an end and since the petitioner was unaware of the proceedings of proclamation as well as the consequent entries in the land record vide order dated

28.03.2003 passed by Qanungo Halqa (Annexure P5), he kept quiet. Now on having come to know about such entries the petitioner filed an application before the Chief Judicial Magistrate Chandigarh for releasing the property from the attachment.

6. However, on 07.09.2019, the Additional Chief Judicial Magistrate passed the following order:

“Heard. From perusal of the case file reveals that there is no such order dated 28.02.2003 on record vide which the property of applicant was attached and even application has also failed to place on record any kind of such order. Accordingly, in the light of above said facts and circumstances as discussed above, no ground is made out to release the property as alleged by the applicant. Hence, the instant application of the applicant is hereby dismissed accordingly.”

7. Feeling aggrieved, the petitioner came up before this Court.

8. The absence of order dated 28.02.2003 was irrelevant for the reasons that it was attachment made by the Qanungo which had become irrelevant because of the petitioner being declared as innocent. Firstly, the petitioner was involved in an allegation which was eventually found to be false or not substantive in the evidence and closure report was filed. In between the petitioner was made to suffer another injustice because without his knowledge, proceedings under proclamation were initiated which led to the attachment entries in the said land record. Now finally, instead of taking the matter on equity, the court also dismissed his application for removal of the attachment. The limited grievance which the petitioner needed correction from the Court was removal of the attachment order, for the reasons that no evidence was found against him and report was filed. It is not the case of the State that the FIR is still continuing.

9. Be that as it may, the petitioner claims to have been arrested in between in some other case in 2004 and was released from custody in 2006. Thus, for all purposes, the proclamation proceedings had also become irrelevant.

10. Consequently, the present petition is **allowed** and the concerned revenue authorities are directed to remove the attachment on the petitioner’s land which was passed by the Qanungo Halqa on 28.03.2003 (Annexure P5). Necessary corrections in this regard, be made positively on or before 30.11.2024.

(ANOOP CHITKARA)
JUDGE

19.10.2024

Sonia Puri

Whether speaking/reasoned:

Yes

Whether reportable:

No.