IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-57347-2024
Date of decision: 22.11.2024

Meenakshi and another ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S. Lalli, Advocate for the petitioners.

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KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioners under Section 528 of BNSS 2023 seeking quashing of order dated 27.09.2024 (Annexure P-9) passed by the Court of Judicial Magistrate Ist Class, Jalandhar whereby an application filed by the petitioners to de-freeze the bank account of the petitioners in criminal case having FIR No.99 dated 08.05.2024 under Section 408, 420 IPC and Section 66 (D) of IT Act, Police Station Navi, Baradari, Jalandhar, has been dismissed.

2. Notice of motion.

3. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of respondents No.1 to 3.

4. The counsel for the petitioners submits that aforesaid criminal case is falsely lodged by respondent No.5 against petitioner No.1 alleging that petitioner No.1 embezzled the amount belonging to her employer (complainant) and during investigation of the said case, the police freezed

bank account of the petitioners which is there in Punjab and Sind Bank, Reru branch, Jalandhar. It is further submitted that the petitioners moved an application to get de-freezed the said bank account but the same was dismissed by the Court of Judicial Magistrate Ist Class, Jalandhar in a casual manner, even without waiting for the report of the concerned investigating officer. That the Court below while passing the impugned order specifically observed that the investigating agency has not reported till date despite registration of the FIR, as to whether the said amount has been included in case property or not and further that it has not been intimated to the Court as to why the said bank account was still been kept frozen. The counsel for the petitioners further submits that the impugned order being passed without application of mind, deserves to be set aside.

5. During arguments, the State counsel admitted that the impugned order was passed by the Court concerned without waiting for the report which was to be submitted by the investigating officer.

6. It appears that the impugned order is passed by the Court concerned without waiting for the report to be submitted by the investigating officer to the effect as to whether, the money lying deposited in the concerned bank account of the petitioners is relating to tainted money pertaining to criminal case having FIR No.99 dated 08.05.2024. The impugned order is also not specific about the total amount which is lying in the bank account in question. In the given circumstances, the impugned order is not sustainable and deserves to be set aside. This Court is of the view that matter is to be remanded back and the Court concerned should pass fresh order after getting report of the investigating officer regarding

total amount lying in the bank account in question and as to whether the said amount is relating to the money transactions involved in criminal case having FIR No.99 dated 08.05.2024.

7. In light of the above, the present petition is allowed and the impugned order is set aside and matter is remanded back to the Court concerned to decide the matter afresh after procuring report of the investigating officer in aforesaid terms. The parties are directed to appear before the trial Court on 02.12.2024 for further proceedings in accordance with law.

8. However, any observations made herein above shall not to be construed as an expression of opinion on the merits of the case.

22.11.2024 **(KARAMJIT SINGH)**
Yogesh **JUDGE**

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