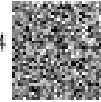


2025:PHHC:030604



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

133

CRM-M-11497-2025
Date of decision: 28.02.2025

Manappuram Finance Ltd

.....Petitioner

Versus

State of Haryana and Anr

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Yogesh Jangra, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 praying for quashing the Seizure notice dated 25.02.2025 under Section 94 of BNSS (Annexure A-1) with further prohibiting the respondents from harassing the petitioner Company and its employees through issue of notices/repeated visits.

The petitioner's case is that an FIR was lodged by respondent No. 2 on 15.12.2024, alleging offences under Section 316(5) of BNS. Following this, respondent No. 2 issued a notice to the petitioner, instructing them to submit the gold articles pledged with the petitioner by the accused, Sahil, to the police authorities at the police station. The petitioner, being aggrieved by this notice, has filed the present petition.

Learned counsel for the petitioner would contend that the notice issued to the petitioner under section 94 of the BNSS is illegal and arbitrary as the police cannot seek seizure of the gold articles and can only ask for the production of the same.

He further argues that petitioner is a finance company and under a bona fide belief that the gold ornaments belongs to the accused Sahil has granted loan to the him.

Per contra state counsel would argue that the articles asked to be produced by the police authorities are the matter of trial in the FIR No. 472 dated 15.12.2024 and therefore is required for the purpose of the investigation.

Heard respective counsel for the parties.

This court is of the view that the prayer sought in the petition would amount to interfering in the domain of the investigating agency and the Investigating Officer has to make appropriate enquiry into the information given by the informant and the same is registered in First Information Report and collection of documents as well as material objects to submit a final report, the recovery is necessary and as per section 106 of the BNSS the Court cannot control or interfere with investigation by the police. The first information is very clear that accused has been arrested and he made voluntary statement that that he has deposited gold ornaments with the petitioner.

The Apex Court in the case of ***M.T. Endrica Lexie and another vs. Doramma and others (2012) 6 SCC 760*** referring the provisions of 106 of BNSS held that the police officer in course of investigation can seize any property under 106 if such property is alleged to be stolen or is suspected to be stolen or is the object of the crime under investigation or has direct link with the commission of offence for which the police officer is investigating into. The police officer can seize such property and there is no bar.

Further kinds of property liable to be seized under section 106 BNSS are: (i) stolen or suspected to be stolen property, (ii) object of crime, and (iii) property which has direct link with commission of crime and held

that under Section 106 BNSS the police officer can seize such property. Also it is the duty of the petitioner being a financial institution to check about the credibility of the articles pledged to them and not to be hand in gloves with the accused persons.

Adverting to the merits of the present case wherein the gold articles sought to be produced are a matter of trial in FIR No. 472 dated 15.12.2024 and they are the stolen items therefore there is no bar for the investigating officer to seize the same as it would be required to take the investigation to the logical conclusion.

In view of the discussions made herinabove, this court finds no merit in the present petition, hence dismissed being devoid of merits.

(SANDEEP MOUDGIL)
JUDGE

28.02.2025

Poonam negi

- | | |
|---------------------------------|---------|
| 1. Whether speaking/ reasoned : | Yes /No |
| 2. Whether reportable : | Yes /No |