

CRM-M-14650-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14650-2024
Reserved on: 01.10.2025
Pronounced on: 31.10.2025

Harjinder Singh Garcha ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. R. Kartikeya, Advocate and
Mr. Jangveer Singh, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
189	19.09.2023	Sadar Ludhiana	328/457/381/411 r/w 34 IPC

1. Aggrieved by the order dated 03.01.2024 passed by the Additional Sessions Judge, Ludhiana in CRR-1119-2023 titled as Harjinder Singh Garcha vs. State of Punjab, whereby despite No Objection by the prosecution to release the articles recovered during investigation to the petitioner on superdari, the matter has been remanded back to trial Court for reconsideration, the petitioner has come up before this Court seeking release of recovered articles/cash related to him on superdari.
2. The petitioner in whose house, a massive theft had taken place and consequently on the registration of FIR, the police was able to recover the stolen property, the petitioner had filed an application for its release, but due to objections raised by the police, entire case property was not ordered to be released.
3. The facts of the case necessary to decide the present petition are taken from the copy of the FIR annexed as Annexure P-2.
4. The petitioner claims that on 17th September 2023, he along with his wife went to Jaipur for a family function and in their absence, petitioner’s mother with petitioner’s aunt were in the house with servants. In the morning of the 18th September 2023, they got a call from their driver about a theft having taken place in their house, and his mother and Aunt were lying unconscious. It was also revealed that their servant Karan was missing. The police swung into action and nabbed Karan in Delhi along with stolen property.
5. The petitioner applied for the release of the case property and cash before the

CRM-M-14650-2024

Judicial Magistrate, Ist class at Ludhiana.

6. Vide order dated 31st October 2023, the Judicial Magistrate Ist Class, Ludhiana, directed the release of the case property mentioned in paragraph 6 of the said order; however, the Judicial Magistrate Ist Class declined the request for release of other property/articles. Feeling aggrieved, the petitioner approached the Sessions Court by filing the criminal revision petition.

7. Vide order dated 3rd January 2024, the said revision petition was disposed of by remanding the matter back to the Judicial Magistrate Ist class and passing an order after perusing the objections and the police report.

8. Feeling aggrieved about the total overturning of the order and remand, the petitioner had come up before this Court by filing the present petition on 27th February 2024.

9. Counsel for the petitioner submits that he would have no objection if, at the time of releasing the case property, a videography is done and an inventory is prepared. He further submits that the petitioner, who is the owner of the stolen property, will give an undertaking that in case any other property is not found to be related to him, he will return the same.

10. The counsel for the state submits that the unidentified case property cannot be given to them; whatever case property has been identified can be given, and as such, there was no error in the orders passed by the District Judiciary.

11. An analysis of the petition and the arguments would lead to the following conclusion.

12. The ends of Justice would suffice if the matter is remanded back to the trial court, only to the extent that the case property, which was ordered to be released by the trial court, i.e. the Judicial Magistrate First Class, shall stand as it is and regarding the remaining property, which was not released afresh, exercise shall be taken by the concerned Judicial Magistrate for its release.

13. The trial Court shall ask the production of articles except those ordered to be released vide order dated 31.10.2023 from the Station House Officer concerned before court along with valuer, who shall prepare the inventory with brief description i.e. type of articles, metal, its weight and value in a tabulated form, shall handover one copy of the said report to petitioner and one copy each to the accused persons. Trial Court shall record statement of accused person, whether they claim to be owners of that property/articles or not. On receipt of the inventory report prepared by the valuer, petitioner is permitted to file fresh application detailing each article for release of the

CRM-M-14650-2024

same demonstrating his ownership by way of affidavit duly attested by an Executive Magistrate. If such application is made, the trial Court shall release the same to petitioner on superdari on furnishing usual bonds to its own satisfaction.

14. Since the petitioner is fighting for the last two years for release of his valuable articles, as such, the learned Judicial Magistrate is requested to take up the matter on priority. Petitioner is permitted to produce copy of this Court before the trial Court.

15. Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

31.10.2025
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Whether speaking/reasoned:	Yes
Whether reportable:	YES.