



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29328-2025
DECIDED ON: 27.05.2025

SUNIL KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Yadav, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer for quashing/setting aside order dated 03.01.2025 passed by Additional Sessions Judge, Rewari in CRR/99/2023 titled as "Sunil Kumar versus State of Haryana" (Annexure P-3), and order dated 25.09.2023 passed by the Court of JMIC, Rewari (Annexure P-5), vide which the application for superdari of cash amount of Rs. 3,50,000/- filed by the petitioner was dismissed in case FIR No. 238 dated 02.09.2023 under Sections 384 and 387 of IPC, P.S. Rampura, Rewari (Annexure P-1).

Learned counsel for the petitioner, after advancing arguments for some time, seeks permission to withdraw the present petition, as this Court did not find merit in the contention that the judgment of the Hon'ble Apex Court in '*Sunderbhai Ambalal Desai v. State of Gujarat*', 2003 (1) *RCR (Criminal)* 380, supports the petitioner's case. In fact, the ratio laid

down in the said judgment clarifies that even if the case property being currency notes is released, it must be preserved, possibly in a bank locker, and may be released on *superdari* with the condition that it shall be made available to the Investigating Officer for identification purposes and produced before the concerned Court at the time of final disposal of the case.

However, the petitioner would be at liberty to move necessary application before the trial Court for seeking release of valuable that may be equitable to the case property involved in the instant petition. The abovesaid observation is necessitated particularly in the light of submissions made by the State, Mr. Chetan Sharma, DAG, Haryana that each and every currency note has been countersigned by the Investigating officer for the purpose of identification and the same cannot be used now by the petitioner as it is.

The trial Court shall be at liberty to record any undertaking or take such other measures as it may deem appropriate with respect to the case property or an equivalent amount thereof, in accordance with the provisions of Section 451 of the Cr.P.C., 1973 and/or Section 497 of the Bharatiya Nagarik Suraksha Sanhita (BNSS).

The present petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

27.05.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No