



CRM-M-58103-2025

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

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CRM-M-58103-2025
Date of decision : 28.04.2026

RAJINDER KUMAR @ KAKA

... PETITIONER

Versus

STATE OF PUNJAB

.. RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Parveen Kumar Garg, Advocate for the petitioner.

Mr. Surinderjit Singh Nahar, AAG, Punjab.

H.S. Grewal, J.(Oral)

1. The present petition has been filed under Section 528 BNSS praying for quashing of the impugned order dated 19.08.2025 (Annexure P-4) passed by the learned JMIC, Sunam in case FIR No.133 dated 21.06.2020, Police Station Dirba, District Sangrur, under Sections 13/3/67 of Public Gambling Act, 1867 whereby the application filed by the petitioner for giving direction to SHO of Police Station Dirba regarding the return of case property i.e. currency note(s) amounting to Rs.1,53,040/- was rejected. It is also prayed for issuance of appropriate direction for release of amount of Rs.1,53,040/- to the petitioner in the interest of justice, equity and good conscience.

2. Learned counsel for the petitioner submits that the petitioner has been acquitted in the aforesaid FIR vide judgment dated 20.08.2024 passed by the learned Judicial Magistrate 1st Class, Sunam (Annexure P-2), as the prosecution failed to prove its case beyond reasonable doubt. It is submitted

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that the case property is liable to be released to the petitioner on account of his acquittal. It is also submitted that the petitioner moved an application for release of the case property before the trial Court but the same has been rejected vide impugned order dated 19.08.2025 (Annexure P-4) on the ground that since there were 11 accused in the aforesaid FIR and the petitioner could not be treated as sole owner of the cash so recovered at the alleged occurrence.

3. Learned State counsel, while referring to the status report filed by way of an affidavit Ms. Rupinder Kaur, PPS, Deputy Superintendent of Police, Sub-Division Dirba, District Sangrur, submitted that there were total 11 accused including the petitioner in the aforesaid FIR. However, during trial, nine accused except the petitioner and Vinod Kumar @ Shintu were convicted by the trial Court.

4. I have heard learned counsel for the parties and perused the material available on record.

5. It is apparent that the petitioner stands acquitted vide judgment dated 20.08.2024 and the said judgment has attained finality. The case property in question is not required for any further proceedings. The sole ground for declining the release by the trial Court is that there were multiple accused persons and the petitioner could not be held to be the exclusive owner of the recovered amount. However, once the petitioner has been acquitted and no other claimant has come forward to claim the amount, the continued retention of the case property is not justified.

6. Consequently, the present petition is allowed. The impugned order dated 19.08.2025 (Annexure P-4) passed by the learned JMIC, Sunam is



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hereby set aside. The trial Court is directed to release the amount of Rs.1,53,040/- to the petitioner, subject to his furnishing an indemnity bond to its satisfaction, after proper verification and identification in accordance with law.

April 28, 2026
Sonia

(H.S.GREWAL)
JUDGE

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