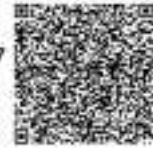


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

317

CRM-M-69286-2025 (O&M)

Date of decision: 10.02.2026

Bhupinderjit Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Gurnoor Singh Sethi, Advocate
for the petitioner.

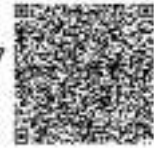
Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of impugned part of order dated 04.10.2025 (Annexure P-7), passed by the Court of learned Sub Divisional Judicial Magistrate, Balachaur in case arising out of FIR No. 26 dated 09.06.2024, registered under Sections 3, 3-A, 4, 5, 6, 23, 25, 27 and 29 of Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (*for short 'PNDT Act'*) read with Section 120-B of IPC at Police Station Balachaur, District SBS Nagar, whereby while accepting the cancellation report, the learned Magistrate had erroneously observed that the case property was required in the case and had not permitted the same to be released in favour of the petitioner.

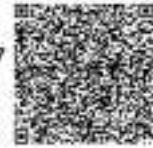
2. Learned counsel for the petitioner has submitted that he is a qualified Radiologist and joint owner of Mediscope Scan Centre, Balachaur. He was implicated in FIR No. 26 dated 09.06.2024 registered under the

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aforementioned provisions of the PNDT Act read with Section 120-B IPC. He was granted anticipatory bail, which was later made absolute. Upon completion of investigation, no incriminating material was found against the petitioner and a cancellation report was submitted. Though the same was initially returned for further investigation, a second cancellation report was thereafter filed, supported by categorical statements of the complainant SMO and admissions of the raiding team that the petitioner was not present at the spot. Documentary proof establishing that the petitioner was out of station along with a legal opinion with regard to procedural lapses in the raid was also submitted. Consequently, the learned Magistrate, Balachaur accepted the cancellation report vide order dated 04.10.2025, thereby terminating all proceedings arising from the FIR in question. However, while accepting the cancellation report, the learned Court erroneously directed that the case property be not released on the ground that it was required in FIR No. 4 dated 11.01.2021. In the said FIR of 2021, the scanning machine and equipment had already been released on sapurdari vide order dated 21.10.2021 with no objection from the police and the petitioner had been expressly permitted to resume operation of the Scan Centre vide order dated 10.11.2021. These orders continue to subsist and were never challenged or recalled. Despite this, the impugned direction effectively withholds the petitioner's property even after cancellation of the FIR, resulting in unauthorized deprivation of livelihood and continuation of seizure without jurisdiction, contrary to settled principles governing custody and release of case property. Hence, it is urged that the petition deserves to be allowed, the relevant part of the aforesaid order

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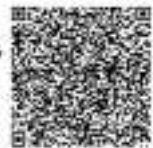
deserves to be quashed and the case property deserves to be released to the petitioner.

3. Status report has been filed by the respondent-State. While admitting the factual assertions, learned State counsel has stated that the State has no objection if the case property related to the FIR in question is released to the petitioner.

4. This Court has heard the rival submissions.

5. It is not in dispute that aforementioned FIR No. 26 stands cancelled and the cancellation report has been accepted, vide order dated 04.10.2025. Once the cancellation report is accepted, no proceedings survive and the Court becomes *functus officio* in so far as retention of case property arising out of the said FIR is concerned. It is further evident that the scanning machine and equipment had already been released on sapurdari in FIR No. 4 dated 11.01.2021, vide order dated 21.10.2021 and the petitioner was permitted to resume operation of the Scan Centre, vide order dated 10.11.2021. The said orders continue to subsist and have neither been recalled nor set aside. In such circumstances, the learned Magistrate could not have directed retention of the case property after acceptance of the cancellation report. The impugned direction withholding release of the case property is, therefore, without jurisdiction and unsustainable in law. Moreover, learned State counsel has fairly stated that the State has no objection to the release of the case property to the petitioner. Accordingly, the present petition is allowed. The impugned part of the order dated 04.10.2025 (Annexure P-7), whereby release of the case property was declined, is set aside. The case property seized in FIR No. 26 dated 09.06.2024 shall be released to the

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petitioner forthwith, subject to his furnishing appropriate undertaking/sapurdari to the satisfaction of the learned trial Court.

10.02.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No