



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

**CRM-M-20117-2025
Date of decision :16.05.2025**

M/s P.P. Industries Pvt. Ltd.

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Mona Goyal, Advocate for the petitioner.

Ms. Simran Gorla, A.A.G., Punjab.

Mr. Karan Bansal, Advocate for respondent No.2.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition has been made for issuance of direction for unconditional release of goods consisting of Prime CRGO Electrical Steel in Coils Grade-20SQGDO70-COILS, to the petitioner for its use by petitioner, who is manufacturing transformers, which is now lying in the custody of Police Station Division Kabarwala, District Sri Muktsar Sahib, by way of setting aside the impugned order dated 04.04.2025 passed by Id. Court of Special Judge, Sri Muktsar Sahib in CRM No.120/2025 vide which the application was wrongly dismissed.

2. Reply by way of affidavit of Mr. Jaspal Singh Dhaliwal, PPS, Deputy Superintendent of Police, Sub Division Lambi, District Sri Muktsar Sahib has been filed on behalf of respondent-State in the Court today, same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

3. It has been submitted by learned counsel for the petitioner that petitioner before this Court is a purchaser and he had purchased the goods from respondent No.2. However, during transition when the goods



were transported by respondent No.2, the truck along with goods was caught by the police and the same was taken into custody. She submits that FIR No.0005 dated 14.01.2025 under Section 15(c) of NDPS Act, was registered at Police Station Kabarwala, District Sri Muktsar Sahib. It is submitted that petitioner had filed an application for unconditional release and return of Goods, however, the same was declined by the Court of Learned Judge, Special Court, Sri Muktsar Sahib vide impugned order dated 04.04.2025. She submits that respondent No.2, who is the supplier had also filed the application for release of goods on Sapurdari and his application was allowed by the learned Judge, Special Court, Sri Muktsar Sahib vide order dated 11.02.2025. It is submitted that respondent No.2 is the supplier of the Goods. She submits that petitioner has paid the whole amount of the Goods to him. She submits that the goods are not the case property and are of perishable nature and the petitioner is suffering an irreparable loss as the goods are lying in the Police Station. She submits that respondent No.2 has no objection if the goods are released to the petitioner. She further submits that Ld. Judge, Special Court, Sri Muktsar Sahib had illegally declined the application filed by the petitioner vide impugned order dated 04.04.2025 and accepted the application filed by respondent No.2 and given the custody to him vide impugned order dated 11.02.2025.

4. Learned State counsel has drawn the attention of this Court to the reply filed and has stated that the goods recovered are not the case property. She submits that the petitioner had filed an application for modification of the order dated 11.02.2025, before the ld. Judge, Special Court, but the same was declined vide order dated 04.04.2025 (Annexure P-11).



5. After hearing counsel for the parties and perusing the record, it is apparent that the goods which are in custody of the Police were supplied by respondent No.2 and the same, before it could be delivered to petitioner, was caught in the transition by the police and presently the goods are lying in the police station. The Court finds that as per the order dated 11.02.2025, these goods were released to respondent No.2 on Sapurdari but the counsel for respondent No.2 stated that he has no objection if the custody of the goods is given to the petitioner. Though on perusing the record, it is found that the petitioner had filed the application for releasing the goods but the same was declined on the ground that order dated 11.02.2025, could not be reviewed.

6. In the overall facts and circumstances, this Court finds that respondent No.2 has no objection if the goods are released to the petitioner. The goods are lying in open premises of Police Station and getting damaged. The dispute is primarily between the petitioner and respondent No.2, however, both of them have resolved it. Respondent No.2 has agreed emphatically that the same be released in favour of the petitioner. Hence, order dated 11.02.2025 and order dated 04.04.2025, are hereby *set aside*. The case is remanded to the learned trial Court, who would decide the application filed by the petitioner afresh, keeping in view the observations made hereinabove within a week from the receipt of copy of order. .

7. Present petition stands disposed of, in above terms.

16.05.2025

ps-I

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

(RAJESH BHARDWAJ)
JUDGE