



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

135+291

CRM-M-7973-2018 (O&M)
Date of decision : 16.07.2026

Punjab Information & Communication Technology Corporation Ltd.

..... Petitioner

VERSUS

State of Punjab & Ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Rupam K. Aggarwal, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG Punjab.

Mr. P.S. Ahluwalia, Sr. Advocate with
Mr. Vipul Joshi, Advocate for the applicant-respondent No.3.

Mr. Pankaj Kundra, Advocate for
Mr. Deepak Sabharwal, Advocate for the respondent No.4.

SURYA PARTAP SINGH, J. (Oral)

CRM-18587-2026

This is an application seeking for placing certain documents on record. For the reasons mentioned in the application, the same is hereby allowed and the documents annexed with the application are taken on record.

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2. At the onset itself, it has been submitted by learned State Counsel, vis-à-vis learned Senior Counsel for the respondent No.3, that the present petition has been filed at the instance of petitioner, who is neither an accused nor complainant, in a case arising out of FIR No.8 dated 11.01.2017, Police Station Phase-I, District SAS Nagar. It has been further submitted by learned State Counsel, vis-à-vis learned Senior Counsel for the



respondent No.3, that on 27.07.2022, a direction was issued by this Court, whereby the proceedings with regard to framing of charge were stayed. As per learned State Counsel, vis-à-vis learned Senior Counsel for the respondent No.3, due to abovementioned order, the proceedings are not taking place before the learned trial Court, despite the fact that the petitioner has nothing to do with the abovementioned trial. The learned State Counsel, vis-à-vis learned Senior Counsel for the respondent No.3, have requested for modification/withdrawal of abovementioned order.

3. In response to abovementioned arguments, the learned counsel for the petitioner has fairly conceded that the trial may be allowed to proceed further, as the petitioner is neither complainant nor accused, in the present case. However, the learned counsel for the petitioner has further contended that in the present case, the learned Judicial Magistrate First Class Mohali had issued a direction to the Investigating Officer to recover Rs.4,12,42,203/- from the petitioner as case property and that the petitioner has challenged the abovementioned order. As per learned counsel for the petitioner, on 23.05.2019, this Court had issued a direction that the abovementioned amount be kept in 'Fixed Deposit Receipt', which was not supposed to be disbursed without permission of the competent Court. The learned counsel for the petitioner has sought permission for withdrawal of abovementioned amount, by encashing the 'Fixed Deposit Receipt'.

4. The learned State Counsel, vis-à-vis learned Senior Counsel for the respondent No.3, have not opposed the abovementioned prayer. Otherwise also, since the petitioner is neither a complainant, nor an accused in the case pertaining to FIR No.8 dated 11.01.2017, Police Station Phase-I,



District SAS Nagar, any direction by the Judicial Magistrate with regard to recovery of money from the petitioner, could not be issued.

5. In addition to above, it is also relevant to mention here that the investigation in this case is complete and final report under Section 173 CrPC has been filed. Thus, it is apparent that nothing has been left to be recovered by the Investigating Officer in this case.

6. Taking into consideration the abovementioned facts and circumstances of the present case and the respective stands, taken by learned counsel for the parties, it is hereby ordered that:-

- i. there shall not be any further stay on the trial and the learned trial Court shall be at liberty to frame charge against the accused and proceed with the trial, as per law; and
- ii. the amount kept in Fixed Deposit, by virtue of order dated 23.05.2019, shall be released in favour of petitioner, as per rules, by the concerned Court.

7. With the abovementioned observations, the present petition stands *disposed of*, accordingly.

8. Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

16.07.2026

Gaurav Thakur

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No