



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

CRM-A-386-2022

ORDER RESERVED ON	ORDER PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
05.03.2026	16.03.2026	FULL PRONOUNCED	16.03.2026

State through Railway Protection Force

...Appellant

Versus

Roshan Lal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Gurmeet Kaur, Senior Panel Counsel for UOI
for the appellant.

Ms. Harmanpreet Kaur, Legal Aid Counsel
for respondents No.1 and 2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
03	06.04.2018	RPF, Pathankot	3 of Railway Property (Unlawful Possession Act), 1996

Criminal Case before Trial Court	CIS No. COMA/87/2018 CNR No. PBPO030023342018
Date of Decision	06.12.2021

1. Aggrieved by the acquittal of the respondents, by the Court of Additional Chief Judicial Magistrate, Pathankot, the Railway Protection Force has come up before this Court seeking leave to appeal.

2. I have heard counsel for the Railway Protection Force as well as learned legal aid counsel for the respondents, to ascertain whether the matter is worth granting leave to appeal or not and its analysis would lead to the following outcome.

3. The facts of the case are being taken from the impugned judgment dated 06.12.2021. Based on secret information received by SI C.L. Meena that if a raid is conducted in the



premises of Arora Traders, then stolen property of the railway can be recovered from its owner. Based on such information, a raid was conducted and the person, who was present in the shop named himself as Roshan Lal i.e., respondent No.1. He disclosed that he is a scrap dealer for 15 years and he had taken the shop on rent from Harbans Lal. After that, even the shop owner Harbans Lal came to the spot and in his presence the investigating officer, started conducting the search. From the heap of scrap, lashing chain and two bearing plates were recovered. Roshan Lal confessed before the Sub Inspector that he had purchased the said chain from railway employee, namely, Parveen Kumar i.e., respondent No.2. After that, the accused was formally arrested, and the case property was recovered and sealed into parcels. The recovered articles were stated to have got identified from the concerned officials, who identify the same to be belonging to Railways.

4. Based on such information, the FIR was registered and on completion of the investigation, the prosecution was launched. In the investigation, the prosecution examined railway officials to identify the property and also inquiry officer PW-7 SI C.L. Meena.

5. The trial court after completing the evidence, recorded the statement of accused under Section 313 CrPC to which the accused pleaded not guilty and stated that they have been implicated at the instance of trade unions. After that, the trial Court acquitted both the respondents as trial Court did not agree with the evidence.

6. The prosecution has failed to establish the recovery of the alleged stolen items from the shop in question and further, the alleged confessional statement made before a police officer was meaningless. Additionally, there is no credibility of recovery as no independent witness was joined while recovery.

7. I have gone through the reasoning given by the trial court. Based on secret information, there was no authority for Sub Inspector C.L. Meena to search the property without obtaining any search warrant. In the present case, SI conducted the search on his own without a search warrant, even before registration of FIR. There was no FIR on the basis of which he was conducting a search and recovery was effected from property of accused. Thus, the procedure adopted was illegal and contrary to the provisions of the Railways Act. The impugned judgment calls for no interference as reasoning given by the trial Court are



cogent and leave to appeal is dismissed. It is clarified that the discussions made in the present matter shall not be used as a precedent, it is for the reason that no detailed arguments were addressed regarding the illegality of search and seizure. All pending miscellaneous applications, if any, stand disposed of.

8. Concerned officer of the Legal Services Authority to ensure the timely payment of fee to the legal aid counsel.

(ANOOP CHITKARA)
JUDGE

16.03.2026

Jyoti-II

Whether speaking/reasoned: Yes

Whether reportable: No