

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

(218)

CRM-M-24061-2014

Decided on: September 30, 2015

Shiv Kumar

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. G.K. Mann, Advocate,
for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

Vide impugned order, the trial Court has declined release of vehicle to the petitioner on the ground that the investigation was under progress and challan has not been presented.

Now the challan has been presented. The petitioner is registered owner of the vehicle. Following the judgment in **Sunderbhai Ambalal Desai Vs. State of Gujarat, AIR 2003 (SC) 638**, the petitioner can not be deprived of his property during pendency of the case and the same deserves to be released to him on sapurdari subject to any condition imposed by the trial Court.

The petition is allowed. It is directed that in case the petitioner approaches the trial Court, the trial Court shall release the vehicle on sapurdari in accordance with law.

A condition will be imposed upon the petitioner that petitioner will not permit his vehicle for use for transporting any intoxicant or psychotropic substance, during pendency of the trial.

(M.M.S. BEDI)
JUDGE

September 30, 2015
harsha