

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

CRM-M-31548 of 2013 (O&M)

Date of Decision: 13.08.2015

Sukhninder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? Yes

Present:- Mr. Ish Puneet Singh, Advocate,
for petitioner.

Mr. Navdeep Singh, AAG, Punjab.

Mr. Ajay Singla, Advocate,
for respondent No.2.

SHEKHER DHAWAN, J (ORAL)

Present petition under Section 482 of Cr.P.C. for quashing of impugned order dated 26.03.2012 passed by Chief Judicial Magistrate, Jalandhar and order dated 21.05.2013 passed by Additional Sessions Judge, Jalandhar regarding release of vehicle bearing No.PB-08-AY-7143 on superdari.

2. Learned counsel for the petitioner took the plea that petitioner is the real owner of the vehicle as he had purchased the same from Kuldeep Singh. Vehicle was registered in his name as per report of DTO but the report was not having any signature of DTO or any other officer. FIR was registered on the complaint of Manjit Kaur but as per the report of police officials there is dispute regarding ownership of the said vehicle. Learned counsel for petitioner took the plea that as petitioner is the owner of the

vehicle who had purchased the same from Kuldeep Singh and same was taken from his possession, so the same be released to him and the order passed by Additional Sessions Judge, Jalandhar dated 21.05.2013 be set aside.

3. Learned counsel for respondents took the plea that petitioner is not the owner of the vehicle and as such he is not entitled to release of vehicle and petition be dismissed.

4. The real controversy resolves around the fact whether petitioner is owner of the vehicle or not. Undisputedly Kuldeep Singh was the owner of the vehicle and he was the registered owner. Petitioner Sukhninder Singh had come with the plea that he had purchased the same from Kuldeep Singh for a valuable consideration but petitioner could not lay his hands on any such document whereby the said vehicle was actually purchased by him from Kuldeep Singh. Even the entry in the name of Sukhninder Singh in office record of District Transportation Officer is not proved. Rather the same has been disputed by the officials of DTO office.

5. Learned Additional Sessions Judge, Jalandhar while deciding the claim had rightly come to the conclusion that Sukhninder Singh failed to establish his claim of ownership on the vehicle and Manjit Kaur being widow of Kuldeep Singh is certainly entitled to release of vehicle as she is none else but widow of Kuldeep Singh.

6. In view of the above, present petition being without any merit stands dismissed.

**(SHEKHER DHAWAN)
JUDGE**

August 13, 2015

msd