

250

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

CRM-M-35433-2015
Date of decision : 01.12.2015.

Paramdeep Kaur

..... Petitioner

VERSUS

State of Punjab

..... Respondent

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

Present: Mr. Anil Kumar Bhardwaj, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

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

This is a petition under Section 482 Cr.P.C for quashing of order dated 12-08-2015 passed by the Special Judge, SAS Nagar thereby dismissing the application filed by petitioner for release of her car. Petitioner claims that she is the owner of Hyundai i-20 car bearing registration No.PB-65-V-4321, which was allegedly found being used by Sukhbir Singh son of the petitioner to carry heroin.

Though, the police had furnished no objection for release of vehicle but the trial Court has declined to release the vehicle.

I have considered the facts and circumstances of the case.

The parameters laid down by the Apex Court in **Sunderbhai Ambalal Desai vs. State of Gujarat, AIR 2003 SC 638** provide that the powers under Section 451 Cr.P.C. should be exercised expeditiously and judiciously and that the Court should ensure that the owner of the article taken in possession by the police should not suffer because of its remaining unused or by its misappropriation.

Since the vehicle is lying in the police station and is likely to be damaged as it cannot be said to be in safe custody, the petition is allowed, the impugned order 12-08-2015 is hereby set aside. It is ordered that the vehicle will be released to the petitioner on her furnishing Superdarinama to the satisfaction of the trial Court. She would be required to comply with all the conditions of Superdarinama.

December 01, 2015
Ramandeep Singh

(M.M.S. BEDI)
JUDGE