

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

**Criminal Misc. No. M-44292 of 2014
Date of Decision:-09.7.2015**

Baljinder Singh @ Joga Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for quashing of order dated 4.12.2014 passed by learned Additional Sessions Judge, Kaithal (Annexure P-2) whereby application for releasing the vehicle bearing registration No.HR-08G-6536 on superdari has been dismissed.

Learned counsel for the petitioner contends that since the police has already presented the challan in the case and there is no proper place with the police to park the aforesaid vehicle, therefore, not only the value of the vehicle will go down rather the vehicle will also get junked.

In support of the aforesaid contention learned counsel for the petitioner has placed reliance on the judgment passed by this Court in **CRM No.M-11877 of 2013** titled 'Sukhjinder Kaur vs. State of Punjab' decided on 12.8.2013 and **Jitender Singh vs. State of Punjab 2015(2) RCR (Criminal) 604** wherein the vehicle was taken into police custody in commission of offence punishable under Section 15 of the NDPS Act and the trial was going on. While the vehicle was standing in the police station, the Court held that no useful purpose would be served, if it was allowed to remain in the police station and it will also result into damage to its condition. Considering the aforesaid fact the Court had ordered for releasing the vehicle on superdari.

However, learned State counsel submits that in view of Section 60(3) of the NDPS Act, release of vehicle on superedari is barred.

While placing reliance upon the judgment in Jatinder Singh's case (supra), this Court feels that the order passed by learned Additional Sessions Judge dated 4.12.2014 does not meet the scrutiny of law. Therefore, the present petition is allowed and the petitioner is permitted to approach the trial Court by moving an appropriate fresh application for release of the aforesaid vehicle on superdari and trial Court shall release the vehicle in question subject to terms and conditions to its satisfaction.

Disposed of.

July 09, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE