

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 2056 of 2014
Date of decision:- May 25, 2015

Daljit Singh

...Petitioner...

versus

State of Punjab

...Respondent...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Sunil Agnihotri, Advocate,
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

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

JASPAL SINGH, J.

Challenge in this revision petition is to order dated March 13, 2014 passed by Id. Additional District & Sessions Judge (Adhoc), Fast Track Court, Hoshiarpur whereby an application moved by petitioner seeking release of Alto car No. PB-06-L-8304 involved in case bearing FIR No. 142, dated 08.08.2013, under Sections 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'Act'), registered at Police Station Dasuya, District Hoshiarpur, was declined.

2. While assailing the impugned order dated March 13,

2014, it has been ebulliently argued by learned counsel for the petitioner that it is an undisputed fact that petitioner is owner of the car in question but an application moved by him seeking release of car in question on sapurdari subject to any condition that may be deemed to be imposed by the trial court was declined merely on the ground that Gurpreet Singh was found in possession of 140 gms. of white powder when he was intercepted by the police while driving this car and further that car was being used as conveyance by Gurpreet Singh to carry white powder along with him and as such car in question is liable to be confiscated under Section 16 of the Act.

3. While relying upon judgment of Hon'ble Apex Court in ***“Sunderbhai Ambalal Desai v. State of Gujrat”, 2003 (1) RCR (Criminal) 380***, learned counsel for the petitioner contends that normally vehicles should not be kept for long in custody. Even otherwise, if the vehicle is allowed to remain at police station without any care, it would be subject to rain and sun and its condition is likely to deteriorate. In such a situation, State is also not going to benefit in any manner and if at the time of penultimate of the trial, vehicle is to be confiscated, subject to final order passed.

4. Adverting to the facts and circumstances of the case in hand, Alto car No. PB-06-L-8304 is admittedly in the ownership of petitioner, which was intercepted on August 08, 2013 when a case against Gurpreet Singh was registered under Section 22 of the Act for having retained in his possession 140 gms. of white powder, without any permit or license. Naturally, condition as well as price of car is likely to be deteriorated/decreased while lying in police station

and the same would also be detrimental not only to the petitioner/registered owner but to the State also, in case, the same is ordered to be confiscated at the time of final disposal of trial.

5. In a catena of decisions of Hon'ble Supreme Court as well as of this Court, it has been categorically observed that vehicle should not be unnecessarily detained in the police station and should be released to the owner forthwith. In case, vehicle is allowed to remain at the police station without any care, it would be certainly deteriorate the condition of vehicle. Consequently, it would also decrease its value.

6. Keeping in view the aforesaid discussion as well as facts and circumstances of this case, this Court is of the considered view that it will be in the interest of justice, if the vehicle in question is ordered to be released on sapurdari to petitioner (registered owner) on his furnishing requisite undertaking/bail bonds/surety bonds.

7. Accordingly, petition is allowed, impugned order dated March 13, 2014 passed by Id. Additional District & Sessions Judge (Adhoc), Fast Track Court, Hoshiarpur is set aside and vehicle Alto Car No. PB-06-L-8304 is ordered to be released on sapurdari to the petitioner on his executing requisite bonds at the satisfaction of Id. trial court.

May 25, 2015
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(JASPAL SINGH)
JUDGE