

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 2840 of 2015 (O&M)

Date of decision : September 07, 2015

Amninder Singh,

..... Petitioner

v.

State of Punjab,

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. A.G Punjab

1. **Whether Reporters of Local Newspapers 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 ?**

Ajay Tewari, J (Oral)

This revision petition has been directed against the order dated 7.7.2015 declining permission to release the vehicle on sapurdari.

Counsel for the petitioner has argued that though the vehicle of the petitioner is alleged to have been used in transporting contraband yet the petitioner having not been arraigned as co-accused would clearly show that the vehicle is not liable for confiscation under Section 60(3) of the NDPS Act. Moreover, even the trial has not yet started and the vehicle would be completely damaged if it is not released during the pendency of the trial.

Learned Addl. AG Punjab has argued that one other facet of

Section 60(3) of the NDPS Act is the onus cast upon the petitioner to not only prove that the vehicle being used was without his knowledge or permission but that he had taken all reasonable precautions to prevent such misuse.

Counsel for the petitioner has argued that the aforesaid aspect would be seen at the fag end of the trial and that in the present circumstances, it would not be appropriate to deny the release of the vehicle on sapurdari.

In my considered opinion, once it is admitted that the petitioner was not named as a co-accused, it would not be in the interest of justice to deny him the release of the vehicle on sapurdari. Consequently, this petition is allowed, the impugned order dated 7.7.2015 is set aside and the trial Court is directed to release the vehicle on sapurdari to its satisfaction.

(AJAY TEWARI)
JUDGE

September 07, 2015
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