

Crl. Revision No.296 of 2015

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

Crl. Revision No.296 of 2015

Date of decision: 24.03.2015

Ruldu Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the 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 ?

Present: - Ms. Manisha Sahota, Advocate, for the petitioner.
Mr. B.S. Cheema, DAG, Punjab.

PARAMJEET SINGH, J.

Instant criminal revision petition has been filed against the order dated 18.12.2014 passed by learned Judge, Special Court, Patiala, vide which the application of the petitioner for release of Motor Cycle Bajaj Discover bearing registration No.PB-13-AG-4864 on sapurdari, which was impounded in case FIR No.104 dated 10.05.2014 registered under Sections 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act at Police Station Patran, District Patiala, has been dismissed.

Brief facts for disposal of the present case are that petitioner is the owner of the aforesaid vehicle. As per prosecution version petitioner was transporting two bags containing 60 Kgs of poppy husk on the

Crl. Revision No.296 of 2015

aforesaid motorcycle. As a result of it FIR was registered and vehicle in question was taken into custody and in case of conviction it is liable to be confiscated. The trial in the case is going on. Appellant moved application for releasing the said vehicle on sapurdari, which has been dismissed vide impugned order by Judge, Special Court, Patiala. Hence, this petition.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the appellant vehemently contended that petitioner has been roped in a false case. Learned counsel submits that conclusion of trial will take a long time and in case motorcycle is not released, it will not only cause damage to its condition but the petitioner will also face difficulty in his day-to-day functioning and police is mis-using the vehicle. Learned counsel for the petitioner submits that petitioner is ready to give an undertaking that as and when the Court requires the aforesaid vehicle, he will produce the same in the same condition before the concerned Court. In support of his contentions, learned counsel for the petitioner placed reliance on the judgment of the Hon'ble Supreme Court in *Sunderbhai Ambalal Desai v. State of Gujarat, 2003(1) R.C.R. (Criminal) 380* and the judgments of this Court in *Harpreet Singh v. State of Punjab, 2006(4) R.C.R. (Criminal) 719* and *Kulwant Singh v. State of Haryana, (2008) 1 R.C.R. (Criminal) 828(2)*.

On the other hand, learned counsel for the State contended that

Crl. Revision No.296 of 2015

motorcycle in question was being used as a conveyance by the petitioner to carry narcotic substance along with him. Therefore, petitioner is not entitled for sapurdari of the motorcycle in question.

I have considered the contentions raised by learned counsel for the parties.

Undisputedly, the trial in the aforesaid case is still pending before the trial Court. The question of confiscation of the vehicle in question will be considered along with the main case. At present, the vehicle is standing in the police station. No useful purpose will be served, if it is allowed to remain in the police station and it will also result into damage to its condition.

Keeping in view the facts and circumstances of the case and the law laid down by Hon'ble Supreme Court in ***Sunderbhai Ambalal Desai*** (supra) and in view of the undertaking given by the petitioner, as indicated above, it will be in the interest of justice if the said vehicle is ordered to be given on sapurdari to the petitioner on his furnishing proper undertaking.

Accordingly, this appeal is allowed. Impugned order dated 18.12.2014 passed by learned Judge, Special Court, Patiala, is set aside and the vehicle in question is ordered to be released on sapurdari to the petitioner on his executing indemnity bond to the satisfaction of trial Court with one surety in the like amount and the undertaking to the effect that as and when the trial Court requires the abovesaid motorcycle, the petitioner will produce the same in the same condition at his own

Crl. Revision No.296 of 2015

cost before the concerned Court. He shall also furnish undertaking to the effect that in future, he will not allow his aforesaid vehicle to be used for such an offence. Trial Court will also be at liberty to impose other conditions as may deem fit.

(Paramjeet Singh)
Judge

March 24, 2015
R.S.