

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

CRR No.497 of 2015 (O&M)

Date of decision :30.03.2015

Pankaj Kumar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Fariad Singh Virk, Advocate
for the applicant-petitioner.

Mr. A.S.Kler, DAG, Punjab.

RAJ MOHAN SINGH J. (Oral)

CRM No. 5083 of 2015

Reply filed by learned State counsel to the application for
condonation of delay is taken on record.

In view of the grounds taken in the application and after
consideration of reply filed by the State, delay of 82 days in filing the
revision petition is condoned.

Main case

The petitioner has assailed the order dated 22.08.2014 passed
by Special Judge, Patiala vide which prayer for release of Nano Car bearing
registration no. PB-10-BN-6892 has been rejected by saying that the car in
question was used at the time of occurrence and non production of the car at
a later stage may hamper the progress of the case. The petitioner is stated to
be the registered owner of the vehicle. The case property in the form of Gas

cylinder and iron grill has already been recovered. Declining to grant permission to release the vehicle on Sapurdari may diminish the utility and value of the vehicle. The petitioner being registered owner of the vehicle is legally entitled to get the vehicle released on Sapurdari during the pendency of the case. However, petitioner can be asked to execute necessary surety for production of the vehicle in Court as and when required.

In these circumstances, impugned order dated 22.08.2014 passed by Special Judge, Patiala is hereby set aside. The vehicle Tata Nano bearing registration no. PB-10-BN-6892 is ordered to be released on Sapurdari to the petitioner subject to necessary undertaking and surety bonds to be submitted by the petitioner to the satisfaction of the trial Court.

Petition stands disposed of.

30th March, 2015
S.khan

(RAJ MOHAN SINGH)
JUDGE