

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 20189 of 2015

Date of Decision: September 22, 2015

Ashwani Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. O.P. Hoshiarpuri, Advocate,
for the petitioner.

Paramjeet Singh, J.(Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent no.4 to hand over the Maruti Swift Dezire bearing registration No. PB05X9222, Chasis No. MA3FJEB1S 00440178 and Engine No. D13A2273379 to the petitioner.

Learned counsel for the petitioner contends that Maruti Swift Dezire car of the petitioner was stolen and in this regard, an FIR No. 45 dated 12.03.2014 has been lodged at Police Station Dakha, District Ludhiana. Subsequently, said car was found to be involved in case FIR No. 39, dated 28.05.2014, under Sections 22/21 of the Narcotic

Drugs and Psychotropic Substances Act, 1985, registered at Police Station Noormahal, District Jalanadhar City. At that point of time, fake number plat bearing No. PB07-AG-1520 was put on the car.

I have heard learned counsel for the petitioner and perused the paper-book.

Once the vehicle is involved in a criminal case, the only power to release the vehicle is with the concerned Court on superdari.

Another grievance of the petitioner is that although the vehicle has been recovered and detained in FIR No. 39, but the same is being used by the police officials, specifically respondent no.4, and resultantly, damage will be caused to the vehicle. Learned counsel for the petitioner submits that petitioner has already made a representation dated 06/13.07.2015 (Annexure P/12) to the authorities, which is still pending.

So far as the misuse of the vehicle is concerned, this Court deems it fit and proper that direction be issued to respondent no.2 – Director General of Police, Punjab, to look into the matter and issue appropriate directions to the concerned officials not to misuse the vehicle. Ordered accordingly. The petitioner will also be at liberty to move to the concerned Court for the purpose that the said vehicle may not be misused.

Respondent no.2 – Director General of Police, Punjab is also directed to look into the grievance of the petitioner specifically made in representation dated 06/13-07-2015 (Annexure P/12) and take appropriate action in accordance with law, within a period of two months from the date of receipt of certified copy of this order and copy of the order so passed shall be communicated to the petitioner.

In the above terms, instant writ petition is disposed of.

September 22, 2015
vkd

[Paramjeet Singh]
Judge