

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

CRA-S-3820-SB of 2016 (O&M)

Date of decision: 29.11.2016

Rakesh Kumar

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Imran Farooqi, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Jitendra Chauhan, J. (Oral)

The instant appeal has been filed against the impugned order dated 07.10.2016, passed by Addl. Sessions Judge, Mohali, vide which the application of the petitioner for releasing the vehicle on sapurdari was dismissed.

It is contended that the appellant is the registered owner of the vehicle in question bearing registration No.CH-01-BF-5647. The vehicle in question was taken into police possession at the time of registration of the FIR. The appellant has been allowed bail and he is ready to abide by the conditions so imposed by this Court. In support of his contentions, the learned counsel cites **Gurbinder Singh @ Shinder** Vs. **State of Punjab**, 2016(4) RCR (Criminal) 492.

On the other hand, the learned State counsel opposes the

prayer of the appellant and submits that the vehicle cannot be released as being the part of the case property and the recovery was effected from the vehicle.

Heard.

The vehicle is lying unattended in the police station for the last six months. This is of common knowledge that in case the vehicle is not put to use, the machine turns into junk and the value of the same gets diminished. The appellant is the registered owner of the vehicle in question. Accordingly, the order dated 07.10.2016, passed by Addl. Sessions Judge, Mohali is set aside and the vehicle in question is ordered to be released on sapurdari, in favour of its registered owner, subject to furnishing sapurdari bonds to the satisfaction of trial Court and also subject to filing of a specific affidavit that he shall produce the vehicle as and when required by the competent Court or any other State authority. The petitioner shall also undertake that it shall not be used for any illegal activities; that he shall not sell the vehicle without permission of the Court.

Disposed of.

29.11.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No