

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

**CRM-M No.11475 of 2015 (O&M)
Date of Decision : 03.05.2016**

Lakhwinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether reporters of local newspaper may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the digest?

Present : Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. C.S. Brar, Deputy Advocate General, Punjab
for respondent No.1-State.

Mr. Inder Jit Sharma, Advocate
for respondent No.2.

FATEH DEEP SINGH, J.

In this petition under Section 482 Cr.P.C., the petitioner-Lakhwinder Singh has sought quashment of an order dated 27th February, 2015 (Annexure P-1) whereby the learned Revisional Court while allowing the revision has set

aside an order dated 28th May, 2010 passed by learned Chief Judicial Magistrate, Gurdaspur.

Heard.

The necessary facts that needs to be recapitulated are that a mini bus bearing registration No.PB-06-1052 having route permit No.374/mini/GSP/2003 which was valid up to 1st January, 2008 was initially owned by the petitioner-Lakhwinder Singh which he sold. It is alleged that from the sale proceeds the petitioner purchased a second-hand mini bus bearing registration No.PB-29A-9502 from one Vipin Kumar son of Madan Lal resident of Nawa Shahr and which was initially purchased by Vipin Kumar from one Kashmiri Lal, who is shown to be the undisputed registered owner of the vehicle. It is claim of the petitioner that by virtue of route permit of this bus, respondent No.2-Nirmal Singh was shown to be the registered owner. It is during the course of events, the bus met with an accident on 26th February, 2010 regarding which an FIR No.27, dated 26th February, 2010 under Sections 304-A/279 etc. of IPC was got registered against the driver Balwinder Singh with Police Station Sadar Gurdaspur, copy of which is Annexure P-5. The bus which

was taken into police custody and for its release on *sapurdari*, the petitioner-Lakhwinder Singh claims that, he moved an application before the learned Additional Chief Judicial Magistrate, Gurdaspur and which was allowed vide orders dated 28th May, 2010, which is by way of Annexure P-6 and thereafter, the vehicle is alleged to have been released on *sapurdari* to the petitioner. It was subsequent thereto a criminal revision challenging the order of the learned Magistrate was filed and it is through impugned orders dated 27.02.2015 (Annexure P-1), the learned Additional Sessions Judge, Gurdaspur allowed the prayer thereby directing the Illaqa Magistrate to release the vehicle in favour of the revisionist-Nirmal Kumar and which is the subject matter of agitation in this petition.

It is the own stand of the petitioner that respondent No.2 happens to be the registered owner of bus No.PB-29A-9502, though it is claimed on behalf of the petitioner before this Court that vide receipt (Annexure P-4) he had purchased the vehicle from its registered owner but as is accepted during the course of arguments by the counsel for the petitioner that the vehicle still stands in the name of

respondent No.2 as per the records of the Registering Authority as well as in the registration certificate. The very factum of transaction of sale of the vehicle between the parties is a subject matter of civil dispute which can be adjudicated only by the concerned Court and not in the proceedings before a Criminal Court.

Keeping in view that it is the registered owner in whose name an insurance cover of the vehicle can be issued as well as it is the owner of the vehicle who is liable and culpable in case of accident and therefore, in the light of the admitted fact that the revisionist has never issued any legal notice to the Registering Authority for the change of ownership in terms of Section 51 or suspension of Registration Certificate under Section 53 of the Motor Vehicles Act, 1988 is another corroborative factor to defeat the claim of the petitioner before this Court.

The learned Court below has passed well reasoned order and has categorically held that the present petitioner has not produced even an iota of documentary evidence to lay the claim over the bus in question except the fact that the bus in question was taken into police possession from him.

Thus, in the totality of this situation the registered owner being the rightful claimant, is entitled to to have the bus and thus, finding no occasion to show indulgence as the impugned order is well reasoned one and does not appears to suffer from any illegality or perversity and thus, present petition stands dismissed.

May 03, 2016
Dpr

(FATEH DEEP SINGH)
JUDGE