

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

**CRM-M-21996 of 2015
Date of Decision: March 10, 2016**

Bakshish Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Karan Bhardwaj, Advocate
for the petitioner.

Mr. C.S. Brar, DAG, Punjab.

FATEH DEEP SINGH, J.

This is a petition under Section 482 Cr.P.C. preferred by the petitioner-Bakshish Kaur with allegations that an FIR No.11 dated 24.01.2015 under Sections 21,25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'the Act) was filed with Police Station, Mamdot, Ferozepur against her son Sukhjinder Singh and 05 other accomplices. During the course of investigations, it is the claim of the petitioner that Maruti car make Swift Dzire, RC No.PB08CV8079 was also taken into police custody. The petitioner claims that she moved an application Annexure P/2 for release of vehicle in question being attorney of Sukhjinder Singh and the learned Judge, Special Court, Ferozepur through impugned order dated 20.3.2015 Annexure P/3 dismissed the application and that is how the present petition has been preferred.

Heard. It is the own stand of the petitioner before the

Court below that the accused-Sukhjinder Singh son of Maura Singh to whom the petitioner claims to be her son is the registered owner of the vehicle in question. Though, admittedly neither before the lower Court nor before this Court any document in support of this fact by way of copy of registration certificate has been placed on the record much less the registration number of the vehicle are matters which certainly have a cascading affect on the case of the petitioner. Furthermore, the present petition has been filed by the petitioner Bakshish Kaur not in the capacity of either as an owner or an agent nor it is the stand of the petitioner that she is holder of any authorisation or power of attorney given by the registered owner of the vehicle, thus, another cause to the very factum of her locus standi to seek such a relief.

Criminal Procedure Code by way of Chapter XXXIV deals with the disposal of property and Section 451 Cr.P.C. lays down that any property which is produced before the Criminal Court during an inquiry or trial pending conclusion of the same can be disposed off by the Court as it may deem so appropriate and which is by way of interim arrangement as after conclusion of trial the Court may make such an order in terms of Section 452 Cr.P.C. The learned Court below has given a well reasoned finding that the vehicle in question is involved in the recovery of 8 kg. of heroin, a commercial quantity along with cash of ₹ 2 lacs and that if the vehicle is allowed to be released would be put to same very process of carrying on unlawful activities and further holding that investigations were still underway. Learned counsel for the petitioner could not convince this Court how there has been miscarriage of justice necessitating intervention by this Court under Section 482 Cr.P.C. which inherent powers are to be exercised sparingly for attaining the ends of justice and since the investigations as is highlighted from the impugned order are on crucial stage does not calls for any

indulgence. Thus, the instant petition being hopelessly without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

March 10, 2016
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