

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27659 of 2015

Date of decision: January 18, 2016

Bhupinder Singh

.... Petitioner..

Versus

State of Punjab and another

.... Respondents..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. P.S. Punia, Advocate,
for the petitioner.

Jaspal Singh, J. (Oral)

This is a petition under Section 482 of the Code of Criminal Procedure seeking quashing of order dated 08.05.2015 (Annexure P-1) passed by the Id. Additional Sessions Judge, Ludhiana whereby order dated 12.03.2014 (Annexure P-2) passed by JMIC, Ludhiana for cancellation of sapurdari of the truck bearing registration No. PB-02-M9797 obtained by respondent No.2, was dismissed.

It is an undisputed fact that the truck in question stands registered with the Registering Authority in the name of Surinder Singh @ Sinder Singh, husband of respondent No.2-Darshan Kaur, which was handed over to her on sapurdari by Id. Magistrate.

It has since been pretty settled by now that the vehicle in question can only be given on sapurdari to the registered owner. A reference in this context may be made to judgements captioned as

“Sunderbhai Ambalal Desai v. State of Gujarat; 2003 (1) RCR (Crl.)

380”, Harpreet Singh v. State of Punjab; 2006(4) RCR (Crl.) 719 (P&H), Roop Chand and company v. State of Punjab; 1996 (1) RCR (Crl.) 401 (P&H) and Pardeep Kumar v. State of Punjab; 2013 (4) Law Herald 3612.

The main contention of learned counsel for the petitioner is that Surinder Singh @ Sinder Singh sold away the truck in question to petitioner and he also executed an affidavit (Annexure P-4) besides a receipt (Annexure P-5), both dated 06.02.2010 but he failed to transfer the vehicle in question in his name. Now, there is serious dispute with regard to registered ownership of the vehicle, which can only be settled by the Civil Court.

In the aforesaid facts and circumstances, this Court does not find any merit in the present petition. As such, the same is dismissed.

However, petitioner is at liberty to avail appropriate remedy before the Civil Court.

January 18, 2016
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(JASPAL SINGH)
JUDGE