

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-30819 of 2015

Date of decision: February 19, 2016.

Gurtej Singh

... **Petitioner**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Harminder Singh, Advocate for the petitioner.

Mr. Navdeep Singh, Asstt. Advocate General, Punjab.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

Impugned in the present revision is the order 8.6.2015 (Annexure P-4) passed by learned Sub Divisional Judicial Magistrate, Samrala refusing to deliver tipper bearing registration No.PB-11-AX-9185 on spurdari to applicant Gurtej Singh, being attorney of Kashmir Singh registered owner.

I have heard learned counsel for the parties.

State does not oppose the request of the petitioner. The petitioner has placed on the file the copy of the affidavit of registered owner Kashmir Singh vide which he sold the aforesaid tipper to the petitioner and also authorized him regarding the vehicle. Admittedly, the case is still pending.

The vehicle cannot be kept in the police custody for an indefinite period. In these circumstances, the impugned order is set aside and tipper bearing registration No.PB-11-AX-9185 is ordered to be released to the applicant-petitioner Gurtej Singh, being attorney of registered owner Kashmir Singh, to the satisfaction of the lower court, subject to the following conditions:-

- i) the petitioner shall furnish spurdari bonds in the sum of Rs.5.00 lacs with one surety of the like amount;
- ii) the petitioner shall produce the vehicle before the lower court during trial, as and when directed to do so;
- iii) the petitioner will not dispose of the vehicle without prior permission of the lower court;
- iv) the petitioner will not change the outlook of the vehicle without prior permission of the lower court.

The revision is accordingly allowed.

February 19, 2016.
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[Kuldip Singh]
Judge