

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

**Criminal Misc. No. M-42512 of 2015
Date of Decision:-08.02.2016**

Kulwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers 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. Saurabh Kapoor, Advocate
for the petitioner.

Mr. P.S. Madahar, Assistant Advocate General, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for quashing of order dated 26.3.2015 (Annexure P-3) passed by learned Additional Sessions Judge, Ludhiana, whereby his revision against the order dated 24.7.2014 (Annexure P-2) passed by learned Judicial Magistrate, Jagraon seeking superdari of tractor along with trolley make Arjun bearing registration No.PB-08-BJ-8512 in FIR No.167 dated 3.12.2013, under Section 379 IPC, Section 21 of the Mines and Minerals Act, 1957 and under Section 192-A of the Motor Vehicle Act, 1988, registered at Police Station Sidhwan Bet, District Ludhiana, was dismissed.

Learned counsel for the petitioner contends that he has moved an application dated 17.7.2014 before the learned Magistrate for released of his tractor along with trolley on superdari, however, the same was dismissed vide order dated 24.7.2014 for the reasons that the vehicle in question was involved in two other FIRs bearing Nos.42/13 and 96/13 respectively titled as State Vs. Kulwinder singh and State Vs. Billu. He further submits that in case the vehicle in question is released on superdari he undertakes that he will not put it to any illegal use and shall abide by all the terms and conditions as imposed by the Court.

Learned State counsel on instructions from HC Geetinderpal Singh states that the vehicle in question is involved in three cases and in case the vehicle is again released on superdari, it will again be put to illegal use. Therefore, the petitioner has no right to get the tractor and trolley released on superdari. However, still this Court finds that the tractor and trolley are required to be released on superdari, some strict conditions be put to it.

Heard.

No doubt the petitioner has been found involved in the using the tractor and trolley in illegal mining, but considering the fact that in case the said tractor and trolley are allowed to be parked in the police station, its utility will materially decrease. It will attract rust and possibly if may not be put to use any more as it will outlive its life.

But, taking a lenient view in the matter, the tractor along with trolley in question are ordered to be released on superdari subject to satisfaction of the trial Court and the trial court shall be well in its power to put any strict condition including undertaking for not to use for illegal

mining and heavy surety. In case the tractor and trolley found involved in any other case of similar nature, not only the tractor and trolley would be taken into police possession, the surety bonds furnished by the petitioner will also be forfeited.

With the abovesaid observations, the petition is disposed of.

February 08, 2016
Vijay Asija

(*HARI PAL VERMA*)
JUDGE