

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5691-2016

Date of decision : 12.07.2016

Sukhwinder Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. R.S.Athwal, Advocate for the petitioner.

Mr.Ashish Sanghi, DAG, Punjab.

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

AJAY TEWARI, J. (Oral)

This is a petition for challenging the order of the Special Judge, Hoshiarpur declining to release the vehicle on superdari.

Learned counsel for the petitioner has argued that once the petitioner is not an accused the vehicle cannot be kept in terms of the judgment of this Court in Harpreet Singh v. State of Punjab, 2006(4) RCR(Criminal) 1719 and Nirmal Singh v. State of Punjab, 2007(1) RCR(Criminal) 1986. Learned DAG is not in a position to cite any contrary judgment.

In the circumstances the petition is allowed. It is, however, directed that the petitioner shall submit a bond that in case of an order of conviction under Section 21 of the NDPS Act and any order under Section

67 of the Act, the petitioner will either deliver the vehicle or deposit an amount of Rs. 5 lacs, further subject to the condition that he would not transfer or alienate the vehicle in any manner.

July 12, 2016
Sunita

(AJAY TEWARI)
JUDGE