

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

Criminal Revision No.2425 of 2015

Date of Decision:-27.02.2016

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

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. Gagan Oberoi, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Petitioner Avtar Singh son of Shri Labh Singh, resident of House No.144, Govind Vihar, Baltana, Zirakpur, Punjab has approached this Court by way of present revision petition challenging the order dated 13.5.2015 passed by learned Additional Sessions Judge, Mohali, whereby his application for release of vehicle i.e. Innova Car bearing registration No.CH-01-AS-8304, white colour, on superdari was dismissed.

Learned counsel for the petitioner has contended that the vehicle in question was taken into police possession in case FIR No.204 dated 30.7.2014, under Section 18/61/85 of the NDPS Act, registered at Police Station Dera Bassi, District Mohali. It is submitted that the trial in the case will take sufficient long time.

Even the defence has cited as many as 22 witnesses and at present only prosecution evidence is going on.

Learned State counsel on instructions from ASI Sartaj Singh has stated that so far as the prosecution evidence is concerned, all the prosecution witnesses have been examined and the next date is fixed for 2.3.2016 for defence evidence.

I have heard learned counsel for the parties.

Taking into consideration the number of witnesses so cited by the defence, the trial will take some time, therefore, it is not advisable to keep the vehicle in question unused in police possession. Moreover, the claim for release of the vehicle is only on superdari, which would be released subject to the conditions as imposed by the learned trial Court.

The present petition is disposed of with a direction to the learned trial Court to release the vehicle in question on superdari to its registered owner subject to any conditions, which it may deem fit in the peculiar circumstances of the case.

In case, in future the vehicle in question is found involved in any other illegal purposes, the same would debar the owner to seek the release on superdari.

Disposed of.

February 27, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE