

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Revision No.2908 of 2015 (O&M)

Date of Decision: 15.01.2016

Jagjit Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

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. Anoop Singla, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J, (Oral)

CRM-25677-2015:

This is an application under Section 5 of the Limitation Act for condonation of delay of 183 days in filing the present petition.

For the reasons mentioned in the application which is supported by an affidavit of the petitioner, delay of 183 days in filing the present revision petition is condoned. The application stands disposed of.

Criminal Revision No.2908 of 2015:

The petitioner has filed the present revision petition against order dated 4.10.2014 passed by Special Judge-III, Ferozepur, whereby the learned Judge has declined the application moved by the petitioner for release of his motorcycle bearing No.PB-05-K-3086, which was confiscated vide judgment and order dated 20.2.2014 passed by learned Special Judge-III, Ferozepur in case FIR No.55 dated 6.6.2011 registered at P.S. Cantt. Ferozepur under Section 18 of the the Narcotic Drugs and Psychotropic Substances Act, 1985 against the petitioner.

Learned counsel for the petitioner contends that the petitioner was released on bail, however, his motorcycle was not released on *superdari* for the reason that there is no such order by the Appellate Court for the release of the vehicle in question.

Learned State counsel submits that apart from the fact that there is no specific order by the Appellate Court for release of the vehicle in question, the said vehicle was involved in an NDPS case.

Heard.

Hon'ble Apex Court in the case of **Sunderbhai Ambalal Desai v. State of Gujarat 2003(1) RCR (Criminal) 380** has laid down certain guidelines for release of vehicle, on *superdari*, which read as under:-

“1. Owner of the article would not suffer because of its remaining unused or by its misappropriation.

2. *Court or the police would not be required to keep the article in safe custody;*
3. *If the proper panchnama before handing over possession of article is prepared, that can be used in evidence instead of its production before the Court during the trial. If necessary, evidence could also be recorded describing the nature of the property in detail;
and*
4. *This jurisdiction of the Court to record evidence should be exercised promptly so that there may not be further chance of tampering with the articles.”*

This Court while relying upon the case of **Sunderbhai Ambalal Desai's case** (supra) has considered similar controversies in Criminal Revision No.2280 of 2015 titled as **Subhash Singh v. State of Punjab** decided on 17.8.2015 and Criminal Revision No.3686 of 2015 titled as **Tarsem Singh @ Sheru v. State of Punjab** decided on 7.1.2016 and allowed the vehicles in question to be released on *superdari*.

Accordingly, the revision petition is allowed. The impugned order dated 4.10.2014 passed by the Court below is set aside and the vehicle in question is ordered to be released on *superdari* to the petitioner on his furnishing indemnity bond and surety bonds on the terms and conditions which may be imposed by the trial Court. It is made clear that if the petitioner is found indulged in any other case under the NDPS Act and the vehicle in

question is also used, the petitioner would be debarred to approach the Court for *superdari* of vehicle.

January 15, 2016
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(HARI PAL VERMA)
JUDGE