

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

CRR-3176-2015 (O&M)

Date of decision: December 15, 2016

Harvinder Singh @ Gogi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gagan Oberoi, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab
for the respondent-State.

JASPAL SINGH, J.(ORAL)

Challenge in this revision petition is to the order dated 7th August, 2015 passed by the Special Court, Ludhiana, whereby, an application preferred by the petitioner for the release of vehicle on *sapurdari* bearing registration No.PB-10ES-2410, Engine No.GHE1F42301, Chassis No.MAIZN@GHE1G54300, Model 2014, has been dismissed.

On perusal of the impugned order, it transpires that an application for releasing the vehicle in question on *sapurdari* has been dismissed in view of Section 52-A of Narcotic Drugs and Psychotropic Substances Act (for short 'Act' only) in which, the word 'Conveyance' has been added but the said provision does not debar the trial Court from resorting the provisions contained in Section 451 which especially deals with the release of vehicle on *sapurdari*. Moreover, such a question came up for hearing before the Division Bench of this Court in case titled as “*Gurbinder Singh @ Shinder vs. State of Punjab*” in CRR No.1765 of 2015 decided on September 19, 2016, in which it has been categorically

observed that there is no provision debarring the release of vehicle involved in the case(s) under the Act for interim custody. The provision under Section 451 Cr.P.C. is not inconsistent with the provisions of the Act applicable to the vehicle(s) seized under the Act as well.

Thus, the impugned order being unsustainable in the eyes of law is *set aside*. The case is remitted to the concerned Court with direction to decide the matter afresh in the light of various observations made in the above referred judgment of the Division Bench of this Court.

The parties through their counsel are directed to appear before the concerned Court on 19.01.2017. The concerned Court is directed to dispose of the matter within one month.

December 15, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No