

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRR 2171 of 2016

Date of Decision: August 16, 2016

Surjit Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. J.S. Virk, Advocate
for the petitioner.

Mr.C.S. Bakshi, Addl.A.G., Haryana.

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M.M.S. BEDI, J. (ORAL)

Petitioner has challenged the legality of the order dated May 3, 2016 passed by Additional Sessions Judge, Kurukshetra, whereby his application filed by the petitioner for releasing the canter belonging to the petitioner on superdari has been dismissed.

A perusal of the record indicates that the son of the petitioner was apprehended along with vehicle on November 13, 2014 with five bags of poppy husk containing 40 kg. each. The only contention of the State authorities before the trial Court had been that the vehicle in case released on superdari is likely to be used for committing offence.

I have considered the facts and circumstances of this case in the light of the judgment of the Supreme Court in **Sunderbhai Ambalal Desai Vs. State of Gujarat**, 2003 (1) RCR (CrI.) 380 and I am of the opinion that the petitioner being owner of the vehicle would suffer on account of his vehicle kept in the police station unused. Its condition is also likely to deteriorate.

In view of the above, the petition is allowed. The order dated May 3, 2016 is hereby set aside. It is ordered that the vehicle bearing registration No. HR 65 3597 will be released to the petitioner on verification of his ownership by the trial Court on petitioner’s furnishing superdarinama to the satisfaction of the trial Court which would include a condition that the vehicle will not be used for the purpose for which it had been used as per the allegations in FIR No. 438 dated January 13, 2014 under Section 15 of the NDPS Act, registered at Police Station Shahbad, District Kurukshetra.

August 16, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.