

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.3515 of 2016 (O&M)

Date of decision: 18.01.2016

Mohan Lal

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.H.K.Brinda, Advocate for the petitioner
Mr.Ashish Sanghi, DAG Punjab

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

The petitioner being aggrieved by the order dated 14.8.2015, passed by the learned Judge, Special Court, Rupnagar, whereby the release of his vehicle i.e. Gypsy bearing Registration No.PB-11-L-4391 on sapurdari was refused, has preferred the present revision. The lower Court while relying upon amended provisions of Section 52-A clause(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act'), has declined the release of vehicle on sapurdari.

I am of the view that in this case, the challan has not been filed as FSL report is not received. Therefore, it is yet to be seen whether the contraband recovered from the petitioner falls in the

mischievous of NDPS Act and if it is found, whether during trial, the prosecution will be able to prove its case or not.

In these circumstances, it is proper that unless the liability of the accused is decided, the vehicle should be released on sapurdari and the proceedings against the vehicle be undertaken only after the criminal liability of the accused is decided.

As such, the revision is allowed, Gypsy bearing Registration No.PB-11-L-4391 is ordered to be released on sapurdari in favour of its registered owner Mohan Lal on filing sapurdari bonds in the sum of Rs.six lacs with one surety of the like amount to the satisfaction of the trial Court, on the following conditions:-

- i) the petitioner shall not change the appearance of the vehicle or carry out major repair without the prior permission of the trial Court.
- ii) petitioner will produce the vehicle in Court as and when directed.
- iii) petitioner will surrender the vehicle before the Court if so required by the lower Court.

18.01.2016
gk

(Kuldip Singh)
Judge