

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

**CRR-240-2016 (O&M)
Date of decision : 21.11.2016**

Sarabjeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajesh Bhatheja, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Parwinder Singh.

Jitendra Chauhan, J. (Oral)

This criminal revision has been filed by the petitioner, against order dated 23.11.2015, passed by learned Judge, Special Court, Patiala, whereby, the application of the petitioner for the release of documents/articles on sapurdari has been dismissed.

The petitioner has sought the release of articles reflected in para No.6 of the grounds of revision.

Learned State counsel, on instructions, admits that the petitioner is the registered owner of the vehicle, i.e. Honda Activa bearing registration No.PB-11-BN-6658. However, the gold and silver articles have already been released to the original owners. The trial is

in progress.

After hearing learned counsel for the parties and going through the reply filed on behalf of the State, the Court feels that since the gold and silver articles have already been released to the owner(s), as per the record, the same shall be further subject to the findings recorded by the trial Court. However, it is established on record that the vehicle in question is owned by the petitioner.

In ***Sunderbhai Ambalal Desai Vs. State of Gujarat, 2003(1) RCR (Criminal) 380***, Hon'ble the Apex Court has held that the powers under Section 451 Cr.P.C. should be exercised expeditiously and judiciously. The Apex Court has framed the following guidelines in cases for releasing the case property on Sapurdari:-

- 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 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.*

In view the above, the present revision petition is allowed;

the impugned order dated 23.11.2015, passed by the trial Court is set aside; and the application of applicant-petitioner for releasing of documents/articles is partly allowed to the extent of release of Honda Activa Scooter bearing registration No.PB-11-BN-6658, on Sapurdari, during the pendency of the trial.

The scooter be released on Sapurdari to the registered owner, subject to furnishing requisite bonds, to the satisfaction and on the terms and conditions as imposed by the trial Court, on showing her ownership. The petitioner is further directed to make the vehicle available as and when required and not to dispose it of except without the written permission of the trial Court.

21.11.2016
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(JITENDRA CHAUHAN)
JUDGE

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