

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No. 3415 of 2016 (O&M)
DECIDED ON: OCTOBER 18, 2016

RAM SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Brahminder Singh Toor, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

JASPAL SINGH, J. (ORAL)

CRM No. 29417 of 2016

Application is allowed, as prayed for.

Annexures P-1 to P-3 are taken on record subject to all just exceptions.

CRR No. 3415 of 2016

Challenge in this revision petition is to order dated July 08, 2016, passed by Judge, Special Court, Ludhiana, whereby, an application for releasing of a motorcycle (Enfield) bearing registration No. PB-10-CF-9528 on superdari was dismissed.

2. Concededly, petitioner is the registered owner of a motorcycle (Enfield) bearing registration No. PB-10-CF-9528, who had applied for

obtaining the same on superdari subject to the condition, if any to be imposed by learned Trial Court.

3. As per the case of prosecution, accused was found in possession of narcotic substance when he was intercepted by the police on Motorcycle (Enfield) PB-10-CF-9528. The police had no objection in case vehicle in question is released to the petitioner i.e. the registered owner, but learned trial Court has declined the release of vehicle on superdari simply on the ground that the petitioner who is the father of Iqbal Singh-accused was having knowledge that the vehicle is being used by his son for carrying narcotic substance. Further, that the release of vehicle on superdari would cause prejudice to the case of the prosecution.

4. Be that as it may, ownership of the vehicle of petitioner is an admitted fact, which is also otherwise not required by investigating agency for any further investigation. The same is lying in the police station and hence, likely to be damaged with the passage of time.

5. In **Sunderbhai Ambalal Desai v. State of Gujarat; 2003 (1) RCR (Crl.) 380**, it was observed that normally the vehicles should not be retained for a long time in custody, as its machinery, colour and tyres are likely to be damaged. Similar, observation was made by this Court in **Harpreet Singh v. State of Punjab; 2006 (4) RCR (Crl.) 719 (P&H); Roop Chand and Company v. State of Punjab; 1996 (1) RCR (Crl.) 401 (P&H); Nirmal Singh v. State of Punjab; 2007 (1) RCR (Crl.) 986 and Pardeep Kumar v. State of Punjab; 2013 (4) Law Herald 3612.**

6. In all these cases the request of petitioner i.e. registered owner for the release of vehicle on superdari in a case under the provisions of Act

1985 was allowed.

7. In the light of aforesaid facts and discussion as well as undertaking given by the petitioner, the instant revision petition is allowed and impugned order dated July 08, 2016 is set aside. Vehicle bearing registration No. PB-10-CF-9528 is ordered to be released on superdari to the petitioner on executing personal bond/surety bond to the satisfaction of learned trial Court/Duty Magistrate, Ludhiana.

OCTOBER 18, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned *Yes/No*

Whether Reportable *Yes/No*