

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-3791-2016 (O&M)

Date of decision: November 08, 2016.

Ved Parkash

... **Petitioner**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Raj Kumar Gupta, Advocate for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Punjab.

A.B. Chaudhari, J. (Oral):

Rule. Heard forthwith with the assistance of counsel for the rival parties. Ms. Rajni Gupta puts in appearance upon notice being issued to the State.

Perused the impugned order as well as the reasons recorded by the trial court. It is not in dispute that the petitioner is the owner of car Model i20 bearing registration No.PB-10-CU-4649. The prosecution allegations are that one Vivek Marwaha, who is the grandson of the petitioner, had used the said car and was found in possession of non commercial quantity of narcotic substance. The local police had given no objection for release of the vehicle in question on spurdari. The trial court has rejected the plea for release of the car on spurdari to the petitioner on the ground that the car was used for transporting narcotic substance.

However, I find that the car was not used by the petitioner as

such, nor there is evidence that the petitioner had, with requisite *mens rea*, given the car to the accused Vivek Marwaha for the commission of the offence. It will be no use to keep the car in the police station and since the petitioner is willing to furnish necessary bonds as well as undertaking not to alienate, create third party interest or sell the car, I am inclined to make the following order:-

ORDER

- (i) CRR-3791-2016 (O&M) is allowed;
- (ii) Car bearing registration No.PB-10-CU-4649, Model i20, is ordered to be released on spurdari on the usual terms and conditions, including undertaking as stated above.

November 08, 2016.
kadyan

[**A.B. Chaudhari**]
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No