

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

CRR No.83 of 2016 (O&M)

Date of decision: April 28, 2016.

Jagdish Singh @ Bhola

... **Petitioner**

v.

State of Punjab and others

... **Respondent**

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

Present: Shri G.S. Nehal, Advocate, for the petitioner.

Shri Rajesh Bhardwaj, Additional Advocate General, Punjab.

Shri M.S. Bajwa, Advocate for respondent No.4.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral):

This revision petition is directed against the order dated 5.8.2015 whereby the learned Special Court has rejected the petitioner's application for release of vehicle, bearing registration No.PB-11-AV-0003, make Toyota Fortuner, an SUV. The learned Special Judge declined to release the vehicle on spurdari on two counts, namely, that the vehicle is not registered in the name of the petitioner and he being not the registered owner, cannot seek the release of the vehicle on spurdari. Secondly, as per the report dated 13.1.2015 of SHO, PS Banur, one kilogram of Ice (Metha Meta Fine) was recovered from the vehicle which was thus being used for illegal business.

After filing this revision petition, the petitioner impleaded

Hukam Singh son of Jit Singh, in whose name the above mentioned vehicle is registered, as respondent No.4.

Upon notice, learned counsel for respondent No.4 states at the bar that the said vehicle has already been sold by respondent No.4 to the petitioner and thus the above named Fortuner vehicle belongs to the petitioner. Respondent No.4 has filed an affidavit also in support of his said assertion, which is taken on record.

As regards the misuse of the vehicle for illegal activities, suffice to observe that the vehicle shall continue to be a case property. However, the detention of the vehicle at the Police Station is likely to deteriorate its condition and would certainly impair its value and utility. Thus, no useful purpose would be served by keeping the vehicle in police custody till the conclusion of trial. At the same time, it is the bounden duty of the petitioner and his associates to ensure that the vehicle is not misused for any illegal activity/business.

Consequently, we allow this revision petition and allow the release of the vehicle on spurdari, subject to the following conditions:-

- [i] The petitioner shall furnish adequate security bonds to the satisfaction of the trial court for the release of the vehicle on spurdari.
- [ii] The vehicle shall be produced before the court as and when required.
- [iii] The vehicle shall not be further sold, mortgaged or hypothecated and there shall be status quo with regard to its further registration or change of ownership.

[iv] The petitioner will not change the outlook of the vehicle without prior permission of the lower court.

Since the revision petition has been decided on merit, as such no separate orders are required to be passed in CRM application for condonation of delay.

[Surya Kant]
Judge

[A.B. Chaudhari]
Judge

April 28, 2016.
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