

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Appeal No.S-3347-SB-2017

Date of Decision: 26.10.2017

Hunny (Honey)

...Applicant (s)

Versus

The State of Haryana

...Respondent (s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Surinder Gandhi, Advocate
for the applicant.

Mr. Arjun Singh Yadav, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Appellant has filed the present appeal against order dated 11.08.2017 passed by learned Additional Sessions Judge, Hisar, whereby his application for release of his motorcycle bearing registration No.HR-23F-2725, on *supardari*, was dismissed, on the ground that the said vehicle is a case property and since it is involved in a case under the NDPS ACT, the same cannot be released.

Learned counsel for the appellant states that the vehicle in question was confiscated in FIR No.128 dated 22.04.2017 under Section 21 NDPS Act, P.S. Sadar Hansi on the ground that the said vehicle was being used by the petitioner for transporting drugs. He

has argued that the appellant is facing trial in the case and has already given an undertaking before the trial Court that if the said vehicle is released on *supardari*, he will abide by the conditions, as laid down by the Court and he shall not sell, transfer, dispose of or alienate the said vehicle in any manner. Moreover, the vehicle in question is parked in an open place in the premises of Police Station and it will not only turn into junk, rather it will be of no use after a particular period. He relies upon a judgment of this Court in the case of **Harpreet Singh v. State of Punjab 2006(4) RCR (CrL) 719** to contend that the prayer of the appellant can be allowed for release of the vehicle in question, on *supardari*, even in the cases registered under the NDPS Act.

On the other hand, learned State counsel has argued that in view of Sections 60 and 61 NDPS Act, the motorcycle confiscated in the case is a case property and cannot be released.

I have heard learned counsel for the parties.

This Court finds that in case the vehicle in question i.e. motorcycle bearing registration No.HR-23F-2725 is allowed to be parked in an open place in the premises of police station, it will certainly affect its utility and after a particular period, it will become useless, as it will turn into junk. This Court in the case of **Manjit Singh v. State of Punjab CRR-381-2016** decided on **15.03.2016** has already taken into consideration a similar issue regarding release of a

vehicle on *supardari* and has ordered release of the vehicle, on *supardari*, subject to certain conditions.

Accordingly, the present appeal is allowed. The impugned order dated 11.08.2017 is set aside and the vehicle in question is ordered to be released to the petitioner, on *supardari*, on his furnishing indemnity bonds/surety bonds of the like amount or on the terms and conditions which may be imposed by the trial Court.

It is made clear that if the petitioner is found indulged in any other case under the NDPS Act and the vehicle in question is used in the said offence, the petitioner would be debarred to approach the Court for *supardari* of the vehicle.

October 26, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No