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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.810 of 2017
Date of Decision: 21.11.2017

Kulwant Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Gurbhajneek Singh Samra, Advocate,
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This petition is directed against the impugned order passed by the Ld. Judge Special Court, Mansa, on 01.12.2015.

2. The application for release of Baleno vehicle on *superdari*, of the petitioners, who claim to be the legal heirs of one Kashmir Singh, the custody of whose vehicle was taken by the Police in connection with F.I.R. No.28, dated 20.05.2014, registered under Sections 22/25/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, was rejected by the Ld. Judge Special Court, Mansa. The reasons behind such rejection was that the petitioners had been unable to show any document regarding the alleged death of their predecessor, as also the fact that they were actually the legal heirs of the said Kashmir Singh.

3. Ld. Counsel for the petitioner submits that the relevant documents have been placed before this Court in the form of Annexures P-4 and P-2.

4. Both these documents appear to be earlier to the date of the concerned F.I.R. being drawn up. If the same were to be genuine, appropriate orders on the petitioners' application ought to have been passed.

5. It, therefore, would appear that the documents in question were either not produced, or otherwise not considered by the Police Authorities.

6. Be that as it may, this Court cannot go into ascertaining the factual background in this regard in its revisional jurisdiction.

7. Consequently, the impugned order is set aside and the Ld. Judge Special Court, Mansa, is directed to pass a fresh order on the petitioners' original application within a month from the communication of this order. He may call for fresh Report from the Police in this regard, if so warranted, and the documents relied upon by the petitioner would have to be considered by the concerned authorities.

8. Disposed off.

21.11.2017

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No