

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRL. REVISION No.4616 OF 2015
DATE OF DECISION : 18th JANUARY, 2017**

Resham Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

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

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Present : Mr. Karnjeet Singh Brar, Advocate for
 Mr. Sidakmeet Singh Sandhu, Advocate for the petitioner.

Mr. Neeraj Sharma, AAG, Punjab.

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A. B. CHAUDHARI, J.

Rule heard forthwith with consent of learned counsel for the rival parties.

In the present revision petition there is challenge to the order dated 11.09.2015 passed by the learned Judge, Special Court, Ferozepur. The vehicle bearing registration No.RJ-07-G-7195 owned by registered owner Ramji Lal, as stated in para 3 of the petition, was seized by the police on 15.07.2015. The vehicle is a ten tyre truck/trolla and is lying in the police station since the said date.

Learned counsel for the petitioner submits that the petitioner is a power of attorney holder executed by Ramji Lal in his favour on 23.01.2015 and he was entitled to custody of the said vehicle for his use. He further submits that the vehicle was purchased by raising loan and the petitioner is suffering recurring losses due to the parking of the vehicle in

the police station. Apart from this there is possibility of spoiling of the vehicle and its tyres.

Both the counsel for the parties are *ad idem* that 60 kgs of poppy huas and 250 grams of opium was recovered from the vehicle in question and that is why the instant FIR was registered.

Learned counsel for the State has opposed the petition.

At the outset, I find that the petitioner has not filed the power of attorney executed on 23.04.2015. Though there is a statement in para 3 to this fact, the petitioner should have been careful in filing the supporting documents.

Be that as it may, since the vehicle is lying in the police station for the last one and half year, there is nobody's benefit in it. Looking to the quantity of the contraband that was seized from the vehicle in question, the same should be released in the first place.

The next question, however, is about the entitlement of the petitioner to get the vehicle released on his supardari who is a power of attorney holder. The statement made in para 3 has not been controverted by the learned State counsel. That apart, the original registered owner has also not claimed the supardari of the vehicle and thus the petitioner who has claimed the supardari, in that view of the matter, I make the following order.

ORDER:

- (i) The CRL. REVISION No.4616 OF 2015 is allowed.
- (ii) Impugned order dated 11.09.2015 passed by learned Judge, Special Court, Ferozepur is set aside.

- (iii) The vehicle bearing registration No.RJ-07-G-7195 shall be released on supardari on usual terms and conditions to be furnished by the present petitioner. The vehicle shall not be released unless consent/no objection of the registered owner i.e. Ramji Lal, is filed on affidavit before the trial Court.
- (iv) The liberty is reserved in favour of Ramji Lal to approach this court in the event of any eventuality.

18th JANUARY, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No.