

234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
2017.10.07 17:02
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CRR-2688-2017 (O&M)

Date of decision: 06.10.2017.

Ravinder Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S.Barnala, Advocate, for the petitioner.

Mr. Amandeep S. Gill, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for setting aside the order dated 07.07.2017 passed by the Judge, Special Court, Bathinda, vide which application filed by the petitioner for releasing of the Car bearing registration No. HR-06-AB-8182 on supardari, was dismissed.

It is submitted on behalf of the petitioner that the petitioner, who is resident of Panipat, has given his car to his brother-in-law namely, Sanjeev Kumar for some household work and accused-Tarun Kumar has taken the car from said Sanjeev Kumar, on the pretext of getting medicine for his mother and has misused this car for the purpose of committing the offence as per allegations in the FIR No.111, dated 5.06.2017 under Section 21 of NDPS Act, registered at Police Station Canal Colony, Bathinda, District Bathinda as the said car was recovered by the police along with contraband and currency notes.

Counsel for the petitioner further submits that a perusal of the FIR shows that there is no allegation against the petitioner regarding misuse of the car and the allegations are only against Tarun Kumar, who was found carrying the contraband at the time when the police arrested him. Even, the brother-in-law of Sanjeev Kumar who has taken the car, was not named in

the FIR. It is, thus, submitted that the petitioner being the registered owner of the car, is entitled to get same released on superdari.

On the other hand, learned State counsel, on instructions from HC Gurvinder Singh, has not disputed the fact that the petitioner is the registered owner of the car and that petitioner is not involved in the FIR.

After hearing learned counsel for the parties, I find merit in the submissions made by learned counsel for the petitioner. The reasoning given by the Judge, Special Court, Bathinda that in the event of releasing the car on superdari in favour of the petitioner, there is a possibility that it may be misused again may apply to a person who himself is an owner and accused. Since the petitioner is not the accused in the FIR, therefore, the impugned order dated 07.07.2017 is set aside. The trial Court/ Judge Special Court, Bathinda will release the car on superdari subject to the conditions, it may deem appropriate to impose at the time of releasing of the vehicle in favour of the petitioner.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

06.10.2017

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No