

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

Crl. Revision No.324 of 2017 (O&M)

Date of Decision: March 29, 2017

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Vijay Lath, Advocate
for the petitioner.
Mr. K.S. Pannu, DAG, Punjab.

Amol Rattan Singh, J. (ORAL)

By this petition, the petitioner impugns the order dated 07.01.2017, passed by the learned Judge, Special Court, Rupnagar, by which his application for release of his truck/tralla bearing registration no.PB-11-BF-4177 on 'sapurdari' has been dismissed, on the ground that the 'challan' in that case was still to be presented and it was still to be determined whether the owner of the vehicle, i.e. the petitioner, had used it in connivance with the accused who was driving it, i.e. his driver, Gurmeet Singh.

Notice having been issued in the petition on 01.02.2017, learned State counsel, on instructions from the police official who is present in Court to assist him, submits that there is no criminal case pending against the petitioner and moreover, the challan, i.e. the report under Section 173 Cr.P.C. has now been submitted to the competent Court, with the petitioner not named therein as an accused.

Keeping in view the aforesaid circumstances, I see no reason to

deny the petitioner the benefit of his vehicle when the vehicle in question was being driven by his driver and was apprehended carrying contraband, with the petitioners' case being that he had no knowledge of such usage.

Consequently, the aforesaid vehicle of the petitioner shall now be released on 'sapurdari' as per law, upon obtaining necessary bonds to the satisfaction of the trial Court and subject to the condition that, firstly, if the vehicle in question is required to be produced for any reason before the trial Court, it shall be so produced, secondly, it shall not be alienated in any manner whatsoever, whether by way of sale/mortgage/hypothecation etc. and thirdly, that it shall not be driven by the accused in the FIR, i.e. Gurmeet Singh, the person employed as a driver by the petitioner. This shall be in addition to any other condition which the trial Court may impose.

Learned counsel for the petitioner at this stage submits that actually the vehicle already stands hypothecated to M/s HDB Financial Services Private Limited. Obviously, a charge already created against the vehicle would not come in the way of the petitioner, but no fresh charge would be created.

The petition disposed of accordingly.

(AMOL RATTAN SINGH)
JUDGE

March 29, 2017
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Whether reasoned/speaking: Yes
Whether reportable: no