

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

Crl. Revision No.479 of 2017
Date of Decision: March 10, 2017

Malkiat Singh		...Petitioner
	Versus	
State of Punjab		...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioner submits that the motorcycle that is sought to be got released was not being used by the petitioner but by his son, at the time when the contraband is stated to have been recovered, from a bag stated to be hanging on the motorcycle.

He further submits that though the son of the petitioner has been convicted for an offence punishable under Section 21 of the NDPS Act, 1985, the petitioner cannot be held responsible for the action of his son and therefore, even if his son was using the motorcycle, the petitioner cannot also be attributed knowledge of his son using it for an unlawful purpose.

It is seen that the petitioner was issued notice under Section 60 (3)/63 of the NDPS Act and, as fairly submitted by the learned counsel for the petitioner, the petitioner also appeared before the trial Court on one date, and thereafter did not turn up to lead any evidence to the effect that he did not know that the motorcycle was being used for carrying contraband.

No evidence having been led by the petitioner despite opportunity having been given to him, I see no reason to interfere with in the impugned order.

Consequently, the revision petition is dismissed.

March 10, 2017
vcgarg

(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: no