

CRA-S-4624-SB of 2017 (O&M)

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

CRA-S-4624-SB of 2017 (O&M)

Date of Decision: 12.09.2018

Nirvair Singh

....Appellant

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Saurabh Kaushik, Advocate, for the appellant.
Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this appeal prayer has been made for setting aside order dated 03.11.2017 passed by learned Additional Sessions Judge, Amritsar, in case FIR No.17 dated 27.02.2015 under Sections 21/29/61/85/27-A of the Narcotic Drugs and Psychotropic Substances Act and Sections 472/473 IPC pertaining to Police Station Maqboolpura, Amritsar, whereby application of the appellant for releasing his BMW car bearing registration No.PB-46-L-0003 on sapurdari, has been dismissed.

Learned counsel for the appellant referred to ***Gurbinder Singh @ Shinder v. State of Punjab***, 2016(4) R.C.R.(Criminal) 492 to contend that trial Court while passing the impugned order did not consider the fact that his BMW car was used by accused/convict Surinder Singh @ Titu and his accomplice without his knowledge. In fact, appellant had handed over his car to accused No.1 Surinder Singh @ Titu for sale, but instead of selling, he used it for transporting narcotic substance without knowledge and connivance of the appellant. In view of this, trial Court ought to have released the car of the appellant.

Heard.

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of the trial Court is set aside with direction to decide the sapurdari application of the appellant afresh considering ratio laid down in *Gurbinder Singh @ Shinder* (supra).

Disposed of.

September 12, 2018	(Ramendra Jain)
R.S.	Judge
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No