

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

270

**CRM-M-20091-2018(O&M)
Date of Decision : 02.11.2018**

CJ Darcl Logistic Limited

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present: Mr. Rose Gupta, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

P.B. BAJANTHRI, J.(ORAL)

In the present petition, petitioner has sought for quashing of order dated 20.01.2018 passed by Judge, Special Court Rupnagar (Annexure P-4).

Learned counsel for the petitioner submitted that in terms of Annexures P2 and P3 read with para 5 of the affidavit of Deputy Superintendent of Police Rupnagar, District Rupnagar matter could be disposed of. Having regard to the Annexures P2 and P3 read with para 5 of the affidavit dated 23.10.2018 of Deputy Superintendent of Police, Rupnagar, District SBS Nagar it is evident that if the petitioner identify the excide batteries which was stated to have been recovered by the police vide Truck No. HP 67-1934 along with 6 quintal of poppy husk, state has no objection for releasing those 8 boxes of batteries. In view of these facts and circumstances, order dated 20.01.2018 is set aside. Reserving liberty to the petitioner to keep the proof of identification i.e. photograph or panchnama of the batteries with necessary material relating to recovery of 8 boxes of batteries from the Truck No. HP 67-1934. If necessary documents are produced insofar as identifying the aforesaid batteries, in that event petitioner is entitled to release those identified batteries.

With the above observation petition stands allowed.

02.11.2018

pooja saini

*Whether speaking/reasoned?
Whether reportable?*

**(P.B. BAJANTHRI)
JUDGE**

*Yes/No
Yes/No*