

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.No.M-20923 of 2018

Date of decision : 17.05.2018

Balwinder Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. J.S.Jaidka, Advocate
for the petitioner.

RAJ SHEKHAR ATTRI, J.(Oral)

The petitioner has preferred the instant petition under Section 482 Cr.P.C. for quashing of order dated 26.03.2018, vide which the case property (truck number PB07-AS-5197) which was released on sapurdari, has been ordered to be seized and sapurdari order has been cancelled and surety bond has been forfeited in case FIR No.31 dated 31.03.2017, under Section 379 IPC, 21 of Mines and Minerals (Development and Regulation) Act, 1957, registered at Police Station Division No.3, District Ludhiana.

Notice of motion.

Mr. Sandeep Kumar, DAG, Punjab, who is present in Court, has accepted notice on behalf of respondent-State. Complete copy of the paper book has been supplied to him.

Service is complete.

The truck bearing registration No.PB-07-AS-5197 was released on sapurdari. However, the petitioner failed to produce the said truck on one date of hearing i.e. on 26.03.2018. The sapurdari was

cancelled and forfeited to State and the said vehicle has been further seized.

Heard.

The petitioner could not produce the said truck on a single date. No notice was given to him.

To the mind of this court, the learned trial court acted in utmost haste. As such, the impugned order suffers from illegality and infirmity and the same is liable to be set aside.

Accordingly, the instant petition stands allowed. The impugned order dated 26.03.2018 is set aside and the sapurdari bonds, already furnished by the petitioner, is restored. The petitioner is directed to produce the said vehicle before the trial court on each and every date of hearing.

17.05.2018
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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No