IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38011-2018 (O&M)
Date of decision : 29.11.2018

Sewa Singh **..... Petitioner**

Versus

State of Haryana **..... Respondent**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr.Satnam Singh Gill, Advocate for the petitioner
Mr.Ramesh Kumar Ambawata, AAG Haryana

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (Oral)

Heard.

Reply by way of affidavit of Ram Dutt, HPS DSP, Gharaunda, Karnal filed on behalf of the respondent in Court is taken on record

In this case, FIR No.189 was registered on 4.6.2018 under Section 15 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Madhuban, District Karnal. The police found a car Swift Desire, bearing Registration Number HR-26-AB-4302 in an accidental condition. On the search of the car, 90 kg of poppy straw was recovered, which is commercial quantity. Present petitioner Sewa Singh was arrested on the ground that he is the registered owner of the said car. Today, State has filed reply affirming that the vehicle was earlier owned by Pilla Singh, who had purchased the same from Moninder Singh and that Pilla Singh had sold the vehicle to Sewa Singh, present petitioner.

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Photocopies of affidavits of Pilla Singh and Sewa Singh have been filed along with the reply. Affidavits of Pilla Singh and Moninder Singh show that stamp papers for the same were purchased on 5.6.2018 and it was attested on 5.6.2018 i.e. the next day of recovery though the affidavit is stated to be of 2.6.2018. If the stamp papers itself were purchased on 5.6.2018, the affidavit could not be dated 2.6.2018. Therefore, apparently, the affidavit was executed on the next day of recovery.

Learned State counsel has argued that in the the affidavit it is stated that the possession has been received on 1.3.2018. Unluckily, same language is repeated in the affidavit of Pilla Singh and Sewa Singh. Therefore, this Court is unable to make out whether Pilla Singh received the possession on 1.3.2018 or Sewa Singh received the possession. Since, Sewa Singh is sought to be made liable only on the ground that he is the registered owner of the vehicle and affidavit in this regard is of the next day of the recovery, therefore, prima facie, it cannot be said that on the date of recovery, Sewa Singh was the registered owner of the vehicle.

It being so, the application for grant of regular bail is allowed. Petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate, Karnal.

29.11.2018 **(Kuldip Singh)**
gk **Judge**

Whether speaking/ reasoned: Yes
Whether Reportable: No

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