

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

**Crl. Revision No. 1878 of 2016 (O&M)
Date of decision: September 21, 2018**

Om Parkash

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. G.S.Verma, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

Heard.

The application seeking *Superdari* of Truck bearing registration No. PB-10CU-9610 was declined to petitioner on the ground firstly, that he is not the registered owner of the vehicle and secondly, the vehicle is liable to be confiscated as contraband was recovered from this vehicle.

Perusal of the order dated 21.03.2016 passed by Judge Special Court, Ludhiana, shows that the vehicle in question was owned by one Robin Singla, who appeared in the Court and suffered a statement that the truck had been sold by him to Mohammad Sharif vide affidavit dated 15.10.2012. Thereafter, notice was issued to Mohammad Sharif, who also appeared in the Court and stated that vide Special Power of Attorney dated 21.11.2012, he had purchased the vehicle in question but the same had been

sold to Om Parkash (petitioner) vide affidavit dated 05.02.2013.

In view of the above fact, though the petitioner is not registered owner of the vehicle but is entitled to get the vehicle on *Superdari*, as the registered owner has no objection to it. So far as is the second reason for which the *Superdari* was declined is concerned, learned counsel for the petitioner submits that trial of the case has concluded and the accused have been awarded sentence and they have also deposited a fine of ₹3,000/- each.

Keeping in view the above facts and that there is no reason to keep the vehicle in custody, this petition is allowed. Vehicle i.e. Truck bearing Registration No. PB-10CU-9610 is ordered to be released on *Superdari* to the petitioner on furnishing *Superdari* bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

It is, however, made clear that vehicle may not be released on *Superdari* if in proceedings under Section 60 of NDPS Act, the same has been ordered to be confiscated to the State.

September 21, 2018
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No