

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

**Criminal Revision No. 1579 of 2018 (O&M)
Date of Decision: July 20, 2018**

Mohammad Yousuf Mir

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.S.Deol, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

SURINDER GUPTA, J.

Heard.

The petitioner sought release of vehicle bearing Registration No. JK-18-0464 on *Superdari*, which was declined by the Judge, Special Court with the observations that he finds no ground to release the vehicle to the applicant on *Superdari*.

As per case of the petitioner, this vehicle was originally owned by Shabir Ahmad Parray, who under the agreement of sale dated 21.07.2017, has agreed to sell this vehicle to the petitioner and handed over the possession to him.

Release of the vehicle on *Superdari* was opposed on two grounds, firstly, that the petitioner's ownership of the vehicle was not proved and secondly, on releasing of vehicle, it can again be used for smuggling of intoxicating substances.

However, learned Judge, Special Court, Jalandhar did not elaborate the reasons in his order, on the basis of which he has declined the release of vehicle on *Superdari*.

Learned State counsel submits that so far as the recovery of intoxicants from this vehicle is concerned, it cannot be a ground for denial of release of vehicle but the police is not having possession of any document of ownership of the vehicle by petitioner. The petitioner can get the vehicle on *Superdari* only if he proves his title over the same.

In view of above submissions of learned State counsel, this petition is allowed and the vehicle in question is ordered to be released on *Superdari* to the petitioner on his producing the copy of sale agreement/ other documents of ownership of vehicle in question before the police/Court, and on furnishing *Superdari* bonds to the satisfaction of the Judge, Special Court/Duty Magistrate, Jalandhar.

July 20, 2018
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***