

CRR-2845 of 2018

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

CRR-2845 of 2018
Date of Decision: 27.08.2018

Kulwinder Singh

....Petitioner

Versus

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. J.S. Khiva, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition challenge has been laid to order dated 30.07.2018 of the learned Judge, Special Court, Mansa, whereby application of the petitioner for releasing vehicle bearing registration No.DL-2FGG-0005 on sapurdari, has been dismissed.

According to the prosecution, on 28.04.2018, two accused namely Gurdeep Singh and Kulwinder Singh were apprehended with 70 grams and 60 grams of heroin, respectively travelling in the aforesaid car.

Learned counsel for the petitioner *inter alia* contends that the petitioner is not a accused. His car was borrowed by his friend namely, Gurdeep Singh to visit his relative. Therefore, petitioner cannot be made to suffer on account of fault of his friend Gurdeep Singh, who illegally carried contraband in his car. The car is lying parked in open in the police station. Conclusion of trial may take a sufficient long time. Therefore, its condition would deteriorate considerably. Resultantly, it would render not road worthy. Placing reliance on judgment dated 22.02.2018 of this Court in

CRR-2845 of 2018

further contended that in similar circumstances, a car used for carrying contraband was released on sapurdari.

After going through the file and having considered submissions made by learned counsel for the petitioner, this Court finds no merit in the instant petition for the reason that car in question, which is sought to be released on sapurdari, is 2006 model that too of make Skoda, which as on date has only a scrap value. Such type of vehicles having no market value are being used for carrying contraband or for commission of some other crime.

Facts and circumstances of the authority relied upon by learned counsel for the petitioner are distinguishable from the facts and circumstances of the present case. Therefore, no benefit of the same can be given to him.

In view of above, petition is dismissed.

August 27, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No