

CRR No.12 of 2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CRR No.12 of 2019

Date of Decision: 24.01.2019

Varinder Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present Mr.D.S.Sandhu, Advocate for the petitioner.
Mr. C.L.Pawar, Sr.DAG, Punjab.

MAHABIR SINGH SINDHU, J (ORAL)

Present petition has been filed against the order dated 14.11.2018, passed by learned Judicial Magistrate Ist Class, Kapurthala, whereby the application of the petitioner for release of the vehicle i.e innova car bearing registration no.PB-08-AY-6099 has been declined.

It is argued by learned counsel for the petitioner that only reason assigned by learned Magistrate is that vehicle may be misused by the remaining accused in order to commit other offences. It is further argued that observation made by learned Magistrate is without any basis and thus, the same is not legally sustainable.

Learned State counsel opposed the contention by submitting that application for *Superdari* can be made before the leaned Sessions Court as the offence in the present case is under Section 307 Indian Penal Code, 1860.

Heard both sides and perused the paper book as well as the impugned order.

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Although, learned Magistrate has observed that the vehicle may be misused by the other accused for committing the offence, but there is no material available on record to substantiate the same.

In view of the above, this Court is fully convinced that the rejection of the application is not defensible. As a result, impugned order is set aside and the application is allowed. Let vehicle in question be released to its registered owner subject to the conditions and satisfaction of learned trial Court/Illaqa Magistrate, concerned.

Criminal Revision petition stands disposed off.

24.01.2019
mamta

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No