

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25024-2019(O&M)
Date of decision: 26.11.2019

Harpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.A.D.S.Sukhija, Advocate for the petitioner

Mr. S.P.S.Tinna, Addl. AG, Punjab

ANIL KSHETARPAL, J.

Through the present petition filed under Section 482 Cr.P.C the correctness of order dated 18.5.2019 passed by Special Court, Fatehgarh Sahib dismissing the application for release of car Vitara Breeza VDI bearing registration no.PB-52-B-4110 has been challenged.

As per the case of the prosecution, two persons were found in possession of 18 grams of Heroin (narcotic substance) when they were travelling in the vehicle in question. The vehicle was taken in possession on the date of incident i.e 29.4.2019. Since then it is parked in the police station in the open. Learned Court has dismissed the application on the ground that registration certificate/smart card has not been issued by the concerned department.

Learned counsel for the petitioner has submitted that the vehicle in question was purchased from Sandhu Automobiles Private Limited on 14.3.2019 and till then registration certificate/smart card of the

vehicle had not been issued by the concerned Department. The counsel relies upon a letter sent by the Distributor through whom the car was purchased to prove that the vehicle was sold and issuance of registration certificate/smart card was delayed on account of the procedural formalities.

Non-issuance of the registration certificate/smart card cannot be a ground to deny interim custody. Still further in the cases where the vehicle is involved in transporting narcotics, a Division Bench of this Court in the case of **Gurbinder Singh @ Shinder vs. State of Punjab** reported as 2016 (4) RCR (Crl) 492 has laid down that the Court has power to release the vehicle on interim custody, particularly, taking note of the fact that when the vehicle is lying in open and the decision of the case is likely to take time.

Keeping in view the facts of the case, the vehicle in question is directed to be released on interim custody subject to following conditions:-

- “1. on the applicant satisfying the Court below regarding the ownership of the said vehicle in his name;*
- 2. on his executing a personal bond in the sum of Rs.7,00,000/- and two sureties each in the like amount to the satisfaction of the court below with the undertaking that he shall produce the vehicle before the court during the course of inquiry, trial or confiscation proceedings as and when required to do so;*
- (3) that the applicant shall not sell or otherwise transfer the said vehicle in favour of any third person without prior permission of the Court;*
- (4) that the applicant shall not allow any changes to be*

made in the said vehicle so as to make it unidentifiable.”

However, it is made clear that in case of any allegation regarding involvement of said vehicle in any criminal activity or in transportation of any objectionable articles, the order as to interim release of the said vehicle stand vacated automatically.

Disposed of.

26.11. 2019	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No