

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

Sr. No.230

CRR No.2319 of 2017

DECIDED ON: January 18, 2019

RANJIT SINGH @ RANA

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rishu Mahajan, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner is the accused in FIR No.126, dated 23.08.2013, registered at Police Station Gharinda, Amritsar, under Section 21 of the NDPS Act, 1985. The said FIR was registered because 5 Kg. heroin was recovered from the car of the petitioner. After arrest, the car was confiscated. An application dated 05.06.2014 was moved for release of the car on sapurdari but the same has been rejected by the trial Court vide order dated 17.04.2015.

Learned counsel for the petitioner submits that admittedly, the car is owned by the petitioner and currently the petitioner is on bail. The car can only be confiscated post conviction and presently there was no legal impediment in releasing the same on sapurdari. Reliance is placed upon a Division Bench of this Court in *Gurbinder Singh @ Shinder vs. State of Punjab, 2016 (4) RCR (Criminal) 492*.

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Learned State counsel is not in a position to displace the legal proposition put forth by the learned counsel for the petitioner. Thus, keeping in view the Division Bench judgment in ***Gurbinder Singh @ Shinder's case (supra)***, the petition is allowed and impugned order dated 17.04.2015 passed by Additional Sessions Judge, Amritsar, is set aside and Car bearing No.PB-02-BP-6906 is directed to be released on sapurdari in favour of registered owner, on fulfilling the necessary formalities to the satisfaction of the trial Court/Additional Sessions Judge concerned, at Amritsar. The petitioner shall be bound to produce the said car as and when required by the trial Court.

January 18, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No