

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

CRM-M-44557-2019

Date of Decision:07.11.2019

Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Naresh Jain, Advocate for the petitioner.
Mr.SPS Tinna, Addl. Advocate General, Punjab.

ANIL KSHETARPAL, J.

Through this petition, correctness of the order dated 21.09.2019 passed by the Special Court, refusing to release vehicle bearing Registration No.PB-30-T-2273 on interim custody, has been challenged.

As per case of the prosecution, 50 gm heroin was recovered from the possession of two accused. Petitioner is owner of the vehicle. Already certain observation have been made in the judgment dated 03.06.2015 by the Special Court, Sri Muktsar Sahib that family of the petitioner and his other relatives are being falsely implicated. Recovery from the co-accused falls in non-commercial quantity.

Learned counsel for the petitioner submits that vehicle is parked in an open area adjoining to the police station. He further submits that the vehicle in question would get damaged if not put to any use. He also submits that as per Division Bench judgment of this Court in the case of **Gurbinder Singh @ Shinder Vs State of Punjab, 2016 (4) RCR (Crl.) 492**, the Court has a power to release the vehicle on interim custody.

It is undisputed that till date, trial is pending. The Special

Court has not initiated proceedings for confiscation of the vehicle as yet.

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.12,00,000/- 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.

07.11.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No