

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

CRM-M-49699 of 2018
Date of Decision:29.01.2019

Kuldeep SinghPetitioner
Versus

State of PunjabRespondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. H.P. S. Ghuman, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. read with Section 451 for quashing of the order dated 21.07.2018 (P-2) passed by the learned Judicial Magistrate First class, Patiala, whereby the application of the petitioner for release of the truck bearing registration No. PB-11C-2504 has been rejected.

It is contended by learned counsel for the petitioner that the impugned order is not legally sustainable in view of the fact that the petitioner is the registered owner of the truck in question, but the learned Judicial Magistrate First class, Patiala has rejected his application primarily on the ground that he does not prove to be the owner of the said truck.

In pursuance to the order dated 14.01.2019 passed by this Court, learned State counsel has filed the status report by way of affidavit of Gurpreet Singh Thind, PCS, Secretary, Regional Transport Authority, Patiala in the Court today. The same is taken on

record.

Perusal of paragraph 3 of the affidavit reveals that truck bearing registration No. PB-11C-2504 stands duly registered in the name of the petitioner.

In view of the above, the impugned order is not sustainable and the same is set aside. As a result thereof, the present petition is allowed and the truck bearing registration No. PB-11C-2504 be released to the petitioner subject to the terms and conditions that may imposed by learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

January 29, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no