

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21845-2020

Date of Decision: 06.08.2020

Ankush Sharma

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. HS Rakhra, Advocate for the petitioner

Mr. Rana Harjasdeep, DAG Punjab

GIRISH AGNIHOTRI, J. (Oral)

(1) The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

(2) Notice of motion. Mr. Rana Harjasdeep, DAG Punjab accepts notice through video conferencing.

(3) The petitioner Ankush Sharma aged 34 years has filed the present petition *inter alia* praying for release of his car on *sapurdari*.

(4) Learned counsel for the petitioner based upon the pleadings submits that the car bearing registration No.CH-01-AE-3720 has been taken by the police in custody in case FIR No.89 dated 16.05.2020 under Sections 21/22/27-A/29 of NDPS Act, 1985; Sections 188/269 IPC and Section 3 of the Epidemic Disease Act, 1867 registered at PS Kotwali Kapurthala, District Kapurthala. The car in question is lying parked in the above-said police station.

(5) It is specifically pleaded that the petitioner is neither involved in the present case nor he has any link with the accused persons. Counsel submits that the petitioner is running a tour and travel agency in the name of "Sharma Tour and Travels". The registration certificate of the travel agency

has been annexed as Annexure P2 dated 01.04.2019. Counsel further submits that from the business that the petitioner is doing and by cheque he received an amount based on which he purchased the car on 30.12.2019. He urges that it is implausible that from a cheque dated 21.12.2019, the car purchased on 30.12.2019 could be said to be from the drug money in relation to which the present FIR has been lodged. The petitioner is on bail but his application for release of car on *sapurdari* has been declined and therefore the present petition has been filed to quash the order dated 02.07.2020 (P5) with a further prayer to release the car in question on *sapurdari*.

(6) Learned State counsel, on instructions from IO Charan Singh, has submitted that the investigation has still not been concluded and the IO is yet to submit the challan.

(7) In the peculiar facts and circumstances of the case, as noticed above since trial is likely to take some time and because of COVID-19 situation, it is likely that the investigation may still take some more time, this Court deems it appropriate to direct that the application of the petitioner for releasing the car on *sapurdari* deserves to be accepted.

(8) Accordingly, it is directed that the car bearing registration No.CH-01-AE-3720 be released on *sapurdari* on such terms and conditions as deemed appropriate by the trial Court.

(9) The petition stands disposed of.

06.08.2020

Vvishal

(Girish Agnihotri)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No