

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

CRM-M-23317 of 2020

DATE OF DECISION : 14.09.2020

Virender Kumar @ Dhalla

...Petitioner

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Manpreet Singh, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 Cr.P.C for quashing the impugned order dated 16.07.2020 (Annexure P-1) passed by Special Court Judge, Moga, declining the prayer for release of vehicle Verna car bearing No. PB-29-AB-6767, on superdari.

2. Learned counsel for the petitioner contends that the above said vehicle is involved in FIR No. 127 dated 29.11.2019 under Section 18 of NDPS Act registered at Police Station Ajitwal. He submits that as per prosecution story, 03 kgs of Opium along with drug money of Rs.8,80,000/- was recovered from the possession of the petitioner, which he had kept in the aforesaid car.

3. Learned counsel submits that petitioner has already been granted the concession of interim bail vide order dated 11.09.2020 passed in CRM-21934 of 2015.

4. Learned State counsel submits that petitioner is a habitual offender. The contraband was recovered from the car in question and he can use this vehicle again for committing the same offence.

5. Having heard learned counsel for the petitioner, as well learned State counsel and after perusal of the case file, I am of the opinion that the no useful purpose would be served by keeping the vehicle parked in the premises of police station. Large number of vehicles are since seized by the police officials daily and, all are kept unattended. Resultantly, with passage of time, condition of vehicle becomes beyond repair. Owner can always be put to terms by the Court while releasing the vehicle. Vehicle would otherwise continue to dilapidate, awaiting the outcome of trial. The trial too is not likely to commence or conclude any time soon, due to current pandemic conditions.

7. In the premise, the petition is allowed and the order dated 16.07.2020 (Anneuxre P-1) is set-aside. The vehicle, make Verna car bearing No. PB-29-AB-6767, is ordered to be released on superdari on furnishing requisite indemnity/superdari bonds with one surety in the like amount, to the satisfaction of Chief Judicial Magistrate/Illaqa Magistrate, as the case may be.

SEPTEMBER 14, 2020
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No