

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

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**CRM-M-26345-2020 (O&M).
Date of Decision: 26.10.2020.**

Parmatma Singh @ Bholu

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr.Ruhani Chadha, Advocate for the petitioner.

Mr.Harbir Sandhu, Assistant Advocate General, Punjab.

Lalit Batra, J. (Oral):

Case has been taken up for hearing through Video Conferencing.

This petition under Section 482 Cr.P.C. has been moved impugning the legality of order dated 07.08.2020 (Annexure P/4) rendered by Additional Sessions Judge, Jalandhar, in terms of which application dated 16.07.2020 (Annexure P/3) moved by petitioner for release of vehicle make Mahindra & Mahindra SUV Scorpio bearing registration No.PB-09-E-4042 on *Sapurdari*, in case FIR No. 88 dated 25.06.2019 (Annexure P/1), under Section 15 of NDPS Act (Sections 420, 465, 467, 468 and 471 IPC added later on), registered at Police Station Kartarpur, District Jalandhar, was dismissed.

Learned counsel for the petitioner contends that the petitioner had purchased vehicle make Mahindra & Mahindra SUV Scorpio bearing registration No.PB-09-E-4042 from one Sudarshan Singh and even the

petitioner. In support of his contention, learned counsel for the petitioner has made reference to Certificate of Registration (Annexure P/2). He further contends that even the alleged recovery of contraband was effected from truck bearing registration No.HP-38-F-2852, whereas vehicle make Mahindra & Mahindra SUV Scorpio bearing registration No.PB-09-E-4042 was not involved in the commission of alleged offence, therefore, impugned order is liable to be set aside as the same has been passed by trial Court without considering the aforesaid facts.

Learned State counsel on instructions from Sub Inspector Surinder Singh submits that the petitioner is the registered owner of the vehicle make Mahindra & Mahindra SUV Scorpio bearing registration No.PB-09-E-4042.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the file.

In view of above, instant petition is allowed and the impugned order dated 07.08.2020 (Annexure P/4) is set aside. Trial Court is directed to release vehicle make Mahindra & Mahindra SUV Scorpio bearing registration No.PB-09-E-4042 to its registered owner only on *Sapurdari* on his furnishing *Sapurdaginama* with one surety to the satisfaction of Trial Court, as per law.

October 26, 2020
neenu/jitender

(LALIT BATRA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No