

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

**CRR-1530-2019(O&M)
Date of decision : 16.12.2020**

Gurdev Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Riffi Bala Birla, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 401 of the Code of Criminal Procedure, 1973 for quashing the order dated 08.05.2019 passed by the Additional Sessions Judge, Fazilka whereby the application for release of the vehicle i.e. Swift Car VDI bearing registration No.PB-22H-9018 on *Superdari* has been dismissed in FIR No.15 dated 15.02.2019 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner would contend that the petitioner is the owner of the said vehicle and in support thereof the learned counsel for the petitioner has appended with the petition a copy of the agreement in favour of the petitioner qua the sale of the car.

Learned counsel for the State, on instructions from ASI Balbir Singh, has stated that there is an agreement for sale of the car in favour of the petitioner for an amount of ₹8 lakhs and further that he has no objection if the vehicle is released on *Superdari* to the petitioner in the present case.

Heard learned counsel for the parties.

In view of the stand taken by the State as well as the fact that there is an agreement for sale of the Swift Car VDI bearing registration No.PB-22H-9018 in favour of the petitioner wherein the petitioner is stated to have purchased the said car for an amount of ₹8 lakhs, the vehicle in question can be released to the present petitioner considering the fact that there is already an agreement in favour of the petitioner and also the fact that if the vehicle is allowed to remain parked in the police station it may become unfit for roadworthiness. Not only the machinery of the vehicle may get rusted and eroded but also the tyres may get completely damaged. Since the trial of the case is likely to take some time, no useful purpose would be served by keeping the vehicle parked in the premises of the police station.

Accordingly, the present petition is allowed and order dated 08.05.2019 is set aside. The vehicle in question is ordered to be released to the petitioner on *Superdari* on the petitioner executing a personal bond in the sum of ₹8,00,000/- with one surety in the like amount with an undertaking to the effect that as and when the Trial Court would require the said vehicle the petitioner will produce the same in the same condition at his own costs. The petitioner shall also furnish an undertaking that in future he shall not use the vehicle for any such offence.

(ALKA SARIN)
JUDGE

16.12.2020

Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO