

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

**Criminal Revision No.1175 of 2020(O&M)
Date of Decision: December 23, 2020**

Gagandeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Amit Goyal, Advocate
for the petitioner.

Mr.Dhruv Sheoran, DAG, Haryana.

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HARINDER SINGH SIDHU, J.

This revision petition has been filed impugning the order dated 16.09.2020 passed by the Ld. Sessions Judge, Sirsa, whereby the application filed by the petitioner for release of the vehicle i.e. I-20 Car bearing registration No.HR-25E- 5557 on superdari was dismissed.

FIR No.21 dated 15.02.2020 under Section 22-C of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Odhan, District Sirsa was registered against one Gurdeep Singh on the allegations that 3600 tablets of 'Tramadole Hydrochloride' were recovered from him. In his disclosure statement Gurdeep Singh named Gurpreet Singh and further Gurpreet Singh in his disclosure statement named the petitioner. It was stated that the car was used for the transport of the contraband.

The petitioner filed CRM-M-11935-2020 for grant of anticipatory bail. The same was allowed by this Court vide order dated

20.07.2020.

At the time of joining investigation the petitioner produced the said car before the Investigating Officer which was taken into possession by the police. Its Registration Certificate and other documents were also taken into possession. The Registration Certificate reflected Surinder Singh as the registered owner of the car.

Surinder Singh moved an application for release of the car on superdari being its registered owner. He also stated in his application that he had already sold the car to the petitioner as per affidavit dated 17.05.2017 and that he had received the entire sale consideration. That application was dismissed vide order dated 03.09.2020 with the observation that as he (Surinder Singh) had already sold the car to the petitioner the same could not be released to him. The petitioner was given liberty to get the car transferred in his name and thereafter apply for its release on superdari.

Thereafter, the petitioner moved the application for release of the car on superdari which has been dismissed vide the impugned order. It has been observed that the car could not be released to him without its transfer in his name.

Ld. Counsel for the petitioner has relied on various decisions of this Court to contend that the vehicle can be released on superdari to the person who had produced it before the police even if he is not the registered owner.

In **Sarwan Ram Vs. State of Punjab 1988(1) RCR (Criminal) 347** and **Jarnail Singh Vs. Gurdev Singh 1995(2) R.C.R. (Criminal) 267** it was held that it is not essential that the vehicle be given

on superdari to the person in whose name it is registered. It was directed to be given to the person from whose custody it was recovered. In **Pardeep Kumar Vs. State of Haryana 2007(1) RCR (Criminal) 284** the vehicle was directed to be given on superdari to the person who had purchased it from a dealer on the basis of a Power of Attorney executed by the registered owner even though the vehicle was not registered in his name.

In the present case, not only was the car produced by the petitioner, even the registered owner of the car has given an affidavit that he has sold the car to the petitioner and has no objection to its release to him.

Accordingly this petition is allowed. The impugned order is set aside.

It is directed that the Car be released on *superdari* to the petitioner on his furnishing bonds to the satisfaction of the Trial Court.

December 23, 2020

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No