

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

CRR No.1262 of 2020 (O&M)
DATE OF DECISION: 23.11.2020

Sandeep Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Yashpal Thakur, Advocate for the petitioner

Mr. Ramandeep Sandhu, Senior Deputy Advocate General,
Punjab

..

ALKA SARIN, J. (Oral):

Heard through video conferencing.

This is a revision petition under Section 401 of the Code of Criminal Procedure, 1973 for quashing the order dated 16.10.2020 passed by the SDJM, Amloh whereby application for release of vehicle on *Superdari* to the petitioner was dismissed in FIR No.240 dated 07.08.2020 under Section 25/54/59 of the Arms Act and Section 34 of the Indian Penal Code, 1860.

Learned counsel for the petitioner has contended that the petitioner is the owner of the vehicle i.e. Scorpio bearing registration No.DL-4CNB-7665, Model 2012, inasmuch as, he has paid the entire amount for the vehicle to its previous owner namely, Ranbir Singh, and Form Nos.29 and 30 regarding notice and transfer of a motor vehicle have already been submitted by the previous owner.

Learned counsel for the State, on instructions from ASI-Satwinder Singh, has stated that the State has no objection to the vehicle being released on *Superdari* to the petitioner in the present case since the petitioner has already applied for transfer of the ownership.

Heard learned counsel for the parties.

In view of the stand taken by the State as well as the fact that the documents for transfer of ownership of the vehicle in question have already been submitted by the previous owner in favour of the present petitioner, the vehicle in question can be released to the petitioner considering the fact that if the vehicle is allowed to be 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, etc. 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 16.10.2020 is set aside. The vehicle in question is ordered to be released to the petitioner on *Superdari* on his executing a personal bond in the sum of Rs.5,50,000/- 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 will not use the vehicle for any such offence.

**(ALKA SARIN)
JUDGE**

23.11.2020
Parkash

<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
