

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

**CRM-M-39657-2019 (O&M)
Date of Decision : 05.02.2020**

Gurmeet Singh Petitioner
Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. N.K.Banka, DAG, Punjab.

RAMENDRA JAIN, J. (Oral)

Reply by way of affidavit of Major Singh, Assistant Commissioner of Police V, Cantonment Jalandhar on behalf of respondent-State has been filed. Same is taken on record. Be tagged at appropriate place. Copy supplied.

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing/setting aside the order dated 06.06.2019, passed by Special Court, Jalandhar vide which application filed by him for releasing the truck No.PB-08-EG-2497 Mark TATA 14 on Superdari in case FIR No.60 dated 07.05.2019, registered under Sections 15, 18 and 25 of the Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station Jalandhar Cantt., has been dismissed.

On 07.05.2019, the said truck alongwith petitioner, as driver upon it, was apprehended with conscious possession of 07 kg.

opium without any permit or licence and taken into possession.

Learned counsel contends that condition of truck would be deteriorated, while its parking in the police station in open space. Petitioner undertakes to produce the said truck as and when called by the trial court, during trial. Confiscation proceedings have not yet been initiated. Therefore, petitioner be permitted to get released the said truck on superdari, being its owner.

On the other hand, learned State counsel vehemently opposed the release of offending truck on superdari to the petitioner.

Without commenting on the merits of the case and considering that condition of the truck lying parked in open space of the police station would deteriorate, impugned order is set aside. Trial Court is directed to release the truck in question on superdari, subject to its furnishing surety bonds at least in the sum of Rs.35,00,000/-, to the satisfaction of trial court with undertaking that he would produce the same as and when directed by the trial court.

Instant petition stands allowed accordingly.

05.02.2020
mamta

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No