

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

116

CRM-M-3539 of 2021

Date of decision:11.2.2021

Som Nath

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.B.S.Bhalla, Advocate,
for the petitioner
Mr.Sandeep Singh Deol, DAG, Punjab
...

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conferencing.

By this petition, the petitioner seeks setting aside of the order dated 25.11.2020, passed by the learned Judge, Special Court, Moga (copy Annexure P-5), (in FIR no.54 dated 21.6.2020, registered at Police Station Ajitwal, District Moga, alleging therein the commission of an offence punishable under Section 22 of the NDPS Act, 1985), vide which his application for releasing the vehicle on *Sapurdari* has been rejected.

Mr.Bhalla, learned counsel for the petitioner, relies upon a judgment of a Division Bench of this court in Gurbinder Singh @ Shinder vs. State of Punjab (CRR no.1765 of 2015, passed on 19.9.2016), to submit that even in cases pertaining to the NDPS Act, 1985, a vehicle can be released on *Sapurdari* during the pendency of the trial, instead of letting it 'rot away' standing at the police station.

Notice of motion.

Mr.Sandeep Singh Deol, learned DAG, Punjab, accepts notice at the asking of the court.

He obviously, in view of the Division Bench judgment, very fairly submits that he would not be able to distinguish that judgment which (again obviously) is binding on this Bench.

That being so, the petition is allowed. Consequently, the impugned order passed by the learned Judge, Special Court, Moga, dated 25.11.2020, is set aside.

The vehicle belonging to the petitioner, bearing registration no.PB-29-X-3411, i.e. a Mahindra XUV 500, is ordered to be released on *Sapurdari* to the present petitioner during the pendency of the trial, who is stated to be a registered owner thereof (even as per the impugned order), upon him furnishing the necessary *Sapurdari* bonds to the satisfaction of the trial court, subject, obviously, further to the condition that the vehicle shall not be used for any illegal purposes at all and if it is found to be so used, it would be liable to be impounded immediately.

11.2.2021
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No