

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-111-2021 (O&M)
Date of Decision: 03.08.2021

Sandeep Gupta

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sanpreet Sandhu Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed challenging the impugned order passed by the learned Additional Sessions Judge, Yamunanagar dated 25.01.2021 in which the application filed by the petitioner for release of the vehicle i20 car bearing registration No. UK-07DM-5989 on Superdari has been rejected.

Learned counsel for the petitioner has submitted that the investigation of the case is already complete and the challan has already been presented qua the petitioner and since he is the owner of the aforesaid vehicle which is reflected from the copy of RC vide Annexure P-3. He has relied upon a Division Bench judgment of this Court in '*Gurbinder Singh @ Shinder Versus State of Punjab*', CRR No. 1765 of 2015 to contend that there is no bar to release a vehicle on Superdari even if the matter is pertaining to NDPS Act and there is no distinction between offence under

the provisions of NDPS Act and any other provision for the purpose of releasing vehicle on superdari. The learned counsel has submitted that the petitioner is not involved in any other case except one case under NDPS Act in which he is already on bail.

Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that the challan qua the petitioner has already been presented and so far as the Division Bench judgment of this Court is concerned, learned State counsel has not disputed the applicability of the same. The ownership of the vehicle is also not in dispute.

I have heard the learned counsel for the parties.

The investigation of the case qua the petitioner is already complete and the challan has already been presented and the petitioner is not involved in any other case except one case as stated by learned counsel for the petitioner and, therefore, there can be no ground at this stage for the denial of grant of Superdari to the petitioner as he is the owner of the vehicle as per Annexure P-3 and as stated by learned counsel for the petitioner.

Consequently, the present petition is allowed and the impugned order dated 25.01.2021 is hereby set aside.

The trial Court is directed to release the vehicle on superdari to its satisfaction.

03.08.2021

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)**JUDGE**

: Yes/No
: Yes/No