

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

CRM-M-6884 of 2021

Date of Decision:-15.02.2021

Abhinav Jain

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vaibhav Sehgal, Advocate
for the petitioner.

(Proceedings through Video Conferencing)

GURVINDER SINGH GILL J.(Oral)

Petitioner has approached this Court seeking quashing of order dated 22.01.2021 (Annexure P-8) wherein an application for release of the scooter bearing registration No.PB-10-HD-8306 on superdari has been declined.

The impugned order dated 22.01.2021 reads as follows :-

“Police report has been received in this case. As per report, Jupiter bearing Registration No.PB-10HD-8306 has not been taken into police possession in case FIR No.122 dated 19.11.2019 under Section 21 of NDPS Act, P.S. Div.No.4, Ludhiana. In these circumstances, present application is not maintainable and the same is hereby ordered to be dismissed. However, applicant shall liberty to assail claim of the police by way of independent proceeding, if he so desired. File be

consigned to record room.”

Learned counsel for the petitioner has submitted that in fact it is a case where petitioner's brother Abhishek Jain was picked up by the police on 19.11.2019 while he was going on a scooter of the petitioner but later on was implicated falsely in FIR No.122 dated 19.11.2019, under Section 21/61 of NDPS Act, Police Station Division No.4, Ludhiana, wherein it has been shown that petitioner was travelling in a car and was carrying contraband. It has been submitted that in fact the scooter in question belongs to the petitioner and has been illegally kept in police station since the last about one year and three months and although he had also submitted an application dated 05.01.2020 (Annexure P-4) for its release but to no avail.

Having heard learned counsel for the petitioner and while refraining from making an expression as regards varacity of the averments made in the petition, the same is disposed of with a direction to respondent No.2 to look into the assertion of the petitioner as regards the illegal detention of the scooter bearing Registration No.PB-10HD-8306 and to dispose of the representation dated 05.01.2020 (Annexure P-4) in accordance with law, in case the same has not already been decided.

Copy of this order alongwith representation dated 05.01.2020 (Annexure P-4) be sent to respondent No.2.

February 15, 2021
Vijay Asija

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No