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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR No.194 of 2021 (O&M)

Date of decision: 15.07.2021

Ranbir Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Sohal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

CRM-18973-2021

Prayer in this application is for preponing the date fixed in
the main petition.

Heard.

For the reasons stated in the application, the same is
allowed and the main case is taken up today for hearing.

CRR-194-2021 (O&M)

Prayer in this revision petition is for setting-aside the order
dated 06.01.2021 passed by the Judge, Special Court, Jalandhar, vide
which the application for releasing the Santro car bearing registration
No.PB-32-E-6836, on superdari was declined.

Counsel for the petitioner has submitted that the aforesaid
car was taken into police possession in case FIR No.57 dated
07.05.2020 registered under Sections 18/29/61/85 of the NDPS Act at
Police Station Maqsudan, District Jalandhar.

CASE HEARD THROUGH VIDEO CONFERENCING

Counsel for the petitioner has argued that the trial Court has wrongly dismissed the application for releasing the said car on superdari by taking into consideration the fact that the petitioner – Ranbir Singh is not the owner of the car.

Counsel for the petitioner has further submitted that the petitioner – Ranbir Singh is the owner of the said vehicle and in support of his submission, he has placed on record the report of the Regional Transport Office, Ludhiana (Annexure P-2) and as per the said report, the vehicle, in question i.e. PB-32-E-6836 has been transferred in the name of Ranbir Singh son of Mohabaat Singh, Mukandpur P.S. Dehlon, vide Entry No.4233/00/1314 on 08.10.2013.

It is further submitted that it will be a matter of trial whether the involvement of the petitioner or the Santro car was for the purpose of committing the offence. However, the car is lying parked in the police station since May, 2020 and almost 01 year has elapsed and in this process, the tyres, engine, etc. of the car, may outlive the life as the car is lying parked in open space.

Lastly, counsel for the petitioner has relied upon the judgment “*Sundarbhai Ambalal Desai vs State of Gujarat*”, 2003(1) **RCR (Criminal) 380**, wherein the Hon'ble Supreme Court, in such circumstances has directed releasing of the vehicle on superdari. Counsel for the petitioner has also relied upon some judgments passed by the Co-ordinate Bench of this Court, to this effect.

Counsel for the State could not dispute the factual position. It is also not disputed that the vehicle, in question stands transferred in the name of the petitioner as per the report of RTO, Ludhiana, however,

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it is submitted that in case the car is released, the petitioner may misuse or dispose of the car without the permission of the Court.

After hearing the counsel for the parties, I find merit in the present petition and accordingly, considering the fact that the car is lying unused and is parked in the open space in the premises of police station for a period of 01 year, it may outlive its life due to non-usage of the same and, thus, the present petition is allowed; the order dated 06.01.2021 is set-aside. The car be released in favour of the registered owner i.e. the petitioner – Ranbir Singh, on superdari subject to his furnishing adequate surety bonds to the satisfaction of the trial Court and an undertaking given by the petitioner that the car will not be disposed of or sold to any third person during the pendency of the trial or on any other terms and conditions, as the trial Court may impose.

The petitioner will also furnish an undertaking before the trial Court that he will produce the car as and when required by the trial Court and will not raise any objection regarding the identity of the same, if on a given date, when the PWs are examined and the car is not produced before the trial Court.

Disposed of accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

15.07.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No