

**In virtual Court**

**CRM-M-25156-2021**

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

**CRM-M-25156-2021 (O&M)**

**Date of decision: 07.07.2021**

**Balender**

**... Petitioner**

**Vs.**

**State of Haryana and another**

**... Respondents**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. S.S. Kanwar, Advocate  
for the petitioner.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for quashing of the order dated 11.02.2021 passed by the Additional Sessions Judge, Jind, vide which application for releasing the vehicle on superdari, which was taken in possession by the police, in FIR No.13 dated 11.01.2020 under Sections 21, 22C/61/85 of NDPS Act, registered at Police Station Sadar Jind.

Learned counsel for the petitioner submits that respondent No.2 is registered owner of the vehicle and the petitioner has purchased the same and in this regard, he has submitted an affidavit. It is further submitted that since the impugned order has been passed on the premise that registration certificate is neither transferred in the name of petitioner nor registered owner has appeared in the Court and has also not given No Objection Certificate for releasing the

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vehicle on superdari in favour of the petitioner, he may be granted one opportunity to bring the registered owner-respondent No.2 before the Court and record his statement regarding no objection in favour of the petitioner.

Learned State counsel, in reply, submits that the trial Court has rightly passed the impugned order and the registered owner has neither given any NOC nor has transferred registration certificate of the vehicle in favour of the petitioner.

After hearing learned counsel for the parties and considering the aforesaid submissions made by them, I find merit in the present petition.

Accordingly, the impugned order dated 11.02.2021 is set aside and the matter is remanded back to the Additional Sessions Judge, Jind with a direction that one opportunity of hearing be afforded to the petitioner to bring the registered owner of the vehicle in the Court and to record his statement regarding No Objection Certificate for releasing the vehicle on superdari in favour of the petitioner and decide the case afresh.

The parties are directed to appear before the Court on 19.07.2021.

Disposed of, accordingly.

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

07.07.2021  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No