

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

(218)

CRR No. 714 of 2021

Date of Decision : 23.11.2021

Ashok Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naresh Kumar Chhokar, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

The present revision petition has been filed challenging the order dated 18.08.2020 passed by learned Additional Sessions Judge, Panipat, by which the prayer of the petitioner for release of the vehicle on superdari, which has been confiscated while investigating FIR No. 192 dated 07.03.2020, registered under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Chandni Bagh, Panipat, has been declined.

Learned counsel for the petitioner argues that the petitioner, who is admittedly the registered owner of the vehicle bearing registration No. HR-60H-7165, is not an accused in the present case, whereas the said vehicle was being used by his brother. Learned counsel for the petitioner submits that petitioner is ready to give not only the security of the amount

equivalent to the present value of the vehicle but also an undertaking that in case at the end of the trial, the vehicle needs to be surrendered, the same will also be surrendered immediately without any delay.

Learned State counsel on the other hand, on instructions from ASI Rohtash submits that though the petitioner is the registered owner of the vehicle in question but the same was being used for carrying out criminal activities.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is a conceded position that the vehicle belongs to the petitioner, who is not involved in the FIR concerned. Whether the vehicle was being used with the knowledge of the petitioner or not, is yet to come during the trial.

Keeping in view the fact that the petitioner has undertaken before this Court to deposit the security equivalent to the present value of the vehicle and has also undertaken that in case after the conclusion of the trial, the vehicle needs to be surrendered, the same will be done, no useful purpose will be served in keeping the vehicle parked at the police station concerned.

The present criminal revision petition is allowed and the impugned order dated 18.08.2020 passed by learned Additional Sessions Judge, Panipat is set-aside. The vehicle in question is ordered to be released on superdari subject to the undertakings, which have been given by the petitioner before this Court as noticed in this order already.

Let appropriate order be passed by the Illaqa Magistrate/trial

Court in this regard after securing the security and undertakings as recorded in this order.

November 23, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No