

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

CRR No.856 of 2021 (O&M)

Date of decision: 02.11.2021.

Gurjant Singh

....Petitioner

VERSUS

State of Punjab

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr.Kuldeep V. Singh, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

(Through Video Conferencing).

HARSIMRAN SINGH SETHI, J. (ORAL)

CRM-25568-2021

Application is for placing on record the Annexures attached with petition, which are taken on record and the application is allowed.

CRR No.856 of 2021

Learned counsel for the petitioner argues that the appeal filed by the petitioner challenging his conviction under Section 18 of the NDPS Act, was dismissed as infructuous on 16.07.2018 by a Coordinate Bench of this Court on the ground that the petitioner has already completed the sentence.

Learned counsel for the petitioner further submits that the vehicle which was allegedly used for the commission of offence and was released to the petitioner on supardari, has been directed to be confiscated by the trial Court by passing order dated 11.08.2021 on the ground that conviction of the petitioner has attained finality whereas order dated 16.07.2018, passed by the Coordinate Bench has already been challenged by the petitioner before the

Hon'ble Supreme Court in SLP, wherein, notice of motion has been issued to the State of Punjab, hence the conviction of the petitioner is yet to attain the finality.

Notice of motion to the State of Punjab.

Mr. Sandeep Singh Deol, DAG, Punjab, accepts notice on behalf of State.

Learned State counsel submits that as of now, the petitioner's conviction for violating Provisions of NDPS Act stands and his appeal has already been dismissed as infructuous by this Court hence the vehicle in question which was released to him during the pendency of the appeal, needs to be confiscated.

Learned counsel for the petitioner submits that once the order passed in appeal filed by him by this Court dated 16.07.2018 is pending consideration before the Hon'ble Supreme Court, the petitioner be allowed retained the vehicle as petitioner undertake that in case, he is unsuccessful before Supreme Court of India and his conviction attains finality, the petitioner will surrender the said vehicle before the authorities concerned within a period of 15 days of the finalization of the proceedings.

I have heard learned counsel for the petitioner and have gone through the file with his assistance.

As per the conceded facts, the order disposing of the appeal filed by the petitioner dated 16.07.2018 passed by the coordinate Bench, is pending consideration before the Hon'ble Supreme Court of India, wherein notice of motion has already been issued to the State of Punjab, hence it cannot be said that conviction of the petitioner has attained finality. The petitioner was given the possession of the vehicle in question on *supardari* and the said possession of the vehicle continues with him as of now. Once, the conviction of the

petitioner is yet to attain finality and learned counsel for the petitioner has undertaken before this Court, that in case, the conviction of the petitioner attains finality, he will surrender the said vehicle to the authorities concerned within a period of 15 days thereafter, impugned order dated 28.07.2021 passed by the court below directing the authorities concerned to confiscate the vehicle in question needed to be modified.

Keeping in view the above, order dated 11.08.2021 passed by the learned trial Court, is modified to the extent that the petitioner be allowed to retain the vehicle in question i.e., Bolero jeep bearing registration no. HR-25-B-5700 as of now, subject to the outcome of the SLP (Special Leave Petition (Criminal Diary No. 21947/2021) filed by the petitioner. In case, the petitioner fails to get any relief in the proceedings pending before the Hon'ble of Supreme Court of India *qua* his conviction, as undertaken before this Court, the petitioner is directed to hand-over the possession of vehicle in question to the authorities concerned within a period of 15 days, thereafter. It is made clear that the modification of the order by this Court dated 11.08.2021 passed by the trial Court, is however, subject to any order to be passed by Hon'ble Supreme Court of India in this regard.

Present criminal revision petition is disposed of accordingly.

As the main case stands disposed of the CRM-25757-2021 is also disposed of.

November 02, 2021

rekha sharma

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No