

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

**CRM-M No. 41364 of 2021
Date of decision: 30.11.2021**

Dilbag Singh Petitioner.

Versus

State of Haryana Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. V.B. Godara, Advocate, for the petitioner.

Mr. Anant Kataria, DAG, Haryana, for the respondent.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking quashing of order dated 23.09.2021 (Annexure P1) passed by learned Special Judge, Fatehabad, in case FIR No.190 dated 27.06.2021, under Sections 15 and 31 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' - for short), registered at Police Station Sadar Fatehabad, whereby application of the petitioner for releasing his vehicle on 'sapurdari' has been dismissed.

Learned counsel for the petitioner contends that the vehicle is lying in an open space and there is no parking space. He further contends that the petitioner may be granted interim custody of the vehicle and he has relied upon the judgment of this Court in the case of Gurbinder Singh @ Shinder versus State of Punjab, 2016 (4) RCR (Criminal) 492.

Learned State counsel, upon instructions from SI Ram Kumar, contends that the petitioner is involved in three cases under the NDPS Act. However, he has not been able to categorically state as to whether this vehicle was also involved in other cases.

Heard.

The petitioner is facing trial in case FIR No.190 dated 27.06.2021, under Sections 15 and 31 of the NDPS Act, registered at Police Station Sadar Fatehabad. Recovery of 20 kilograms of poppy straw is alleged to have been effected from the car of the petitioner. It has been held by a Division Bench of this Court in the case of Gurbinder Singh @ Shinder (supra) that it is for the trial Court to take a decision with regard to confiscation of a vehicle only on the conclusion of trial and a vehicle seized under the NDPS Act cannot be kept idle till the order of confiscation is passed at the conclusion of trial. A Coordinate Bench of this Court in the case of Mange Ram @ Mangi versus State of Haryana, CRM-M No. 39581 of 2021, decided on 18.11.2021, has directed the release of the vehicle which was allegedly seized at the time of recovery of contraband. The petitioner is an under-trial. There is no order with regard to confiscation of the vehicle. It would, thus, be in the interest of justice if the vehicle is ordered to be released on 'sapurdari'.

Consequently, the petition is allowed and the impugned order dated 23.09.2021 (Annexure P1) is set aside. The vehicle is ordered to be released on 'sapurdari'. The Court concerned shall be at liberty to apply conditions as it deems necessary for the release of the vehicle.

(ANUPINDER SINGH GREWAL)
JUDGE

30.11.2021
Ramesh

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