

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

264

CRM-M-36100-2019 (O&M)

Date of Decision: 14.12.2021

Harshminder Singh

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. P.P.S. Duggal, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab
for respondent No. 1.

Mr. A.S. Virk, Advocate
for respondent No.3.

ANOOP CHITKARA

The present petition has been filed under Section 482 Cr.P.C. for setting the order dated 07.02.2019, by which the sapurdari of the vehicle (Truck bearing registration No.PB-07-AS-0711), has been given to respondent No.2, in FIR No.01 dated 09.01.2019, under Sections 406/420 IPC, Police Station City Gurdaspur, District Gurdaspur, without notice or hearing the petitioner, while the petitioner is the registered owner of the vehicle in question.

As per report of the Registry, respondent No. 2 was duly served.

However, none has put in appearance on his behalf.

Learned counsel appearing for respondent No.3-Indusind Bank

submits that the contesting parties are petitioner and respondent No. 2.

Learned counsel for the petitioner has drawn attention of this Court to Annexure P-1. Certificate of registration of vehicle which reflects the petitioner as registered owner of the vehicle bearing registration No.PB-07-AS-0711.

Learned counsel for the petitioner states at bar that no change has been made in this certificate of Registration.

Learned counsel for respondent No. 3-Bank also does not dispute that the petitioner is the registered owner and the truck is hypothecated in favour of the bank.

Given above, the impugned order passed by the concerned Court, vide which the truck in question was released in favour of respondent No.2, who is not the registered owner is patently illegal, is set aside. Consequently, petition is allowed. It shall be open for the petitioner to approach the concerned Court for restoration of possession or to the police station i.e. City Gurdaspur for taking possession of the truck in question from respondent No. 2-Chander Shekhar son of Late Sh. Babbu Ram, r/o Geeta Bhawan Road, Gurdaspur, Tehsil and District Gurdaspur.

Pending application if any stands disposed of.

(ANOOP CHITKARA)
JUDGE

14.12.2021
Jyoti-II

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No