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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2710-2022 (O&M)
Date of Decision: 14.11.2022

SANJAY KUMAR

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : None for the petitioner.

Mr. J.P. Ratra, Sr. DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

The prayer in the petition is for the quashing of order dated 23.08.2021 (Annexure P-5) and release of i20 sportz car bearing Registration No.PB-12Z-0505. The car was impounded in a case registered under NDPS Act.

Learned counsel for the petitioner contends that another vehicle bearing Chasis No.MA1YUZXDUM6C12108 which was also impounded in NDPS case has been released to the owner of the vehicle vide order 06.12.2021 whereas prayer of the petitioner has been declined vide impugned order even though petitioner is owner of the vehicle and petitioner is not involved in the commission of alleged offence. The FIR was registered on 13.06.2021, challan stands filed, thus, no object is going to be achieved by keeping vehicle in question at police station. The vehicle may be released in terms of Section 451 of Cr.P.C. A Division Bench of this Court in '**Gurbinder Singh @ Shinder Vs. State of Punjab' 2016 (4) RCR (Criminal) 492** has ordered to release vehicle,

found involved in NDPS case. The Court has observed that there is no provision under NDPS Act debarring the release of vehicle for interim custody.

Learned State counsel on instruction from Investigating Officer states that state has no objection if car in question is released, subject to furnishing of bond and bank guarantee.

Learned State counsel further submits that challan has already been presented. Petitioner is registered owner of the vehicle and he/she is not accused in the FIR in question.

In view of the judgment of Hon'ble Supreme Court in *Sunderbhai Ambalal Desai Vs. State of Gujarat*, 2003 (1) RCR (Criminal) 300 and judgment of Division Bench of this Court in *Gurbinder Singh (Supra)*, the present petition is disposed of with a direction to Trial Court to release the vehicle in question, subject to furnishing of bond/Bank Guarantee to the satisfaction of the Trial Court.

The petitioner at the first instance shall appear before the Trial Court on 29.11.2022 and thereafter as per convenience of the Court concerned.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

14.11.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>