

CRR-237-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-237-2022
Reserved on: 28.04.2022
Pronounced on: 16.05.2022

Gulwinder Singh alias Galwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Hitesh Chopra, Advocate for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
29	21.04.2021	Dera Baba Nanak, Police District Batala	21, 23, 25, 27-A, 29, 61 & 85 of NDPS Act

1. Challenging the dismissal of the application filed under Section 451Cr.P.C. for release of a vehicle and one mobile phone, the Petitioner has come up before the Court.
2. As far as mobile phone is concerned, it might contain data necessary to take the investigation further. Furthermore,the lock, IP addresses and dump memory is hash tag value which detects tampering and concoction of data. Hence, it is essential for the investigation of the alleged incident. However, if the concerned laboratory does not find anything connecting the phone to the alleged incident, the petitioner would be entitled to claim assessed market value of the said mobile phone at the time when it was seized and this prayer is dismissed with liberty reserved.
3. Regarding the second prayer for release of vehicle, needless to say that every vehicle has limited time to ply on the road and given the ever improving pollution carbon technologies and standards of compliance, certainly to allow the vehicles to ply beyond a time is hazardous for the environment. Thus even if it is assumed that the vehicle is kept safe and in a damp proof place by properly covering it, still such vehicle cannot be normally run on roads in case enough time passes. Moreover the value of the vehicle depreciates not only yearly but on monthly basis and substantially whenever the new model is launched.
4. Given above, it would be waste of resources and the vehicle would become rundown and an environmental risk without even proper utilization of benefits.

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5. Given above, this petition is **allowed** and the concerned Court shall release the vehicle to the petitioner in case he is registered owner. It shall be necessary for the petitioner to prove that he is the registered owner of the vehicle. Furthermore the petitioner shall give security amount/bond for the assessed market value or the ensured value of the vehicle on the date it was seized.
6. Petition is allowed in the terms mentioned above. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

16.05.2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.