

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

254

CRR-1170-2022

Date of decision: 09.08.2022

LOVEPREET SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The present revision petitioner has been preferred against the order dated 18.05.2022 passed by the Additional Sessions Judge, Bathinda in CRM—368-2022 in FIR No. 10 dated 27.02.2022 under Section 15(b) of the Narcotics Drugs and Psychotropic Substances Act, 1985 registered at Police Station Nandgarh, District Bathinda wherein the application submitted by the petitioner seeking supardari of Toyota Car bearing registration No. HR 41G-6765 in case titled as “State versus Sikander Singh” has been dismissed.

2. Learned counsel appearing on behalf of the petitioner submitted that the vehicle in question i.e. Toyota Car bearing registration No. HR 41G-6765 was originally being used by Sant Baba Mohan Singh Ji and that the registered ownership of the Car was in favour of one of the Sewadar i.e. Kuldeep Singh son of Jang Singh. He contends that he had paid the consideration money to Sant Baba Mohan Singh Ji and that requisite affidavit by the registered owner

acknowledging transfer of ownership in favour of the petitioner had also been filed along with the application. However, the application moved by the petitioner seeking release of the vehicle on Superdari was declined solely on the ground that the petitioner contended that he had purchased the vehicle from Sant Baba Mohan Singh Ji while affidavit pertains to Kuldeep Singh. It is submitted that the trial Court did not take into consideration that the registered owner of the vehicle as per the Motor Vehicles Act, 1988 was Kuldeep Singh and that the affidavit invariably had to be sworn by the registered owner. He contends that there is no claim raised by any other person with respect to the ownership of the said vehicle and he is ready and willing to abide by all such terms and conditions as may be so imposed by the Court while releasing the vehicle on Superdari so as to indemnify any title/ownership claim raised by any other person as well.

3. It is also contended that the petitioner has no criminal antecedents and is not involved in any other case under the NDPS Act and as such, there is no possibility of the vehicle being used for carrying out any prohibitive trade.

4. Learned counsel appearing on behalf of the respondent-State could not controvert the aforesaid submissions advanced on the behalf of the counsel for the petitioner. He, however, contends that the vehicle in question is a case property and there is a possibility of the registered owner seeking claim against the said vehicle. He, however, does not dispute the fact that such apprehensions/claims can be duly taken care of by the Court while directing the release of the vehicle on Superdari.

respective parties, the present revision petition is allowed. The order dated 18.05.2022 passed by the Additional Sessions Judge, Bathinda is set aside. The trial Court is directed to release the vehicle on Superdari in favour of the petitioner subject to complying with such necessary conditions as may be so imposed by the Court while directing release of the vehicle on Superdari.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 09, 2022

Vishal sharma

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