

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42321-2020
Reserved on: 08.08.2022
Pronounced on: 19.09.2022

Gurmeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Harjinder Singh, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

ANOOP CHITKARA, J.

Aggrieved by dismissal of the application for release of the vehicle i.e. Bus bearing registration No.PB-01-A-3785, the petitioner claiming to be the registered owner of the vehicle, has come up before this court, seeking its release.

2. In Sunderbhai Ambalal Desai v. State of Gujarat, (2002) 10 SCC 283, Hon'ble Supreme Court holds,

[17]. In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.

[18]. In case where the vehicle is not claimed by the accused, owner, or the insurance company or by third person, then such vehicle may be ordered to be auctioned by the Court. If the said vehicle is insured with the insurance company then insurance company be informed by the Court to take possession of the vehicle which is not claimed by the owner or a third person. If Insurance company fails to take possession the vehicles may be sold as per the direction of the Court. The Court would pass such order within a period of six months from the date of production of the said vehicle before the Court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.

3. The petitioner did not produce the Registration certificate of the bus in question to become entitled to its release. Thus, the present petition is dismissed. Liberty

reserved to file a fresh application before the Trial Court seeking the release of the vehicle in question after appending the actual copy of the registration certificate that establishes the applicant to be its owner.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

19.09.2022
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.