

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47078-2021
Reserved on: 15.03.2022
Pronounced on: 13.05.2022

Bawa Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rakesh Kumar, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
150	28.08.2019	Sadar Kapurthala, District Kapurthala	21, 22 of NDPS Act and 61 of Excise Act

Aggrieved by the dismissal on the application filed by the petitioner for release of his vehicle on Superdari by the learned Special Court which had been confiscated in violation of the NDPS Act, has come up before this Court .

2. In the memo of parties, although name of the petitioner is written as Bawa Singh but all other particulars are incorrect. It appears to be typographical error because in the affidavit, the particulars are correct and tally with the particulars filed in the application for release of vehicle before the concerned court.

3. The petitioner has annexed the registration certificate (Annexure P-4) to show the ownership of the vehicle. The petitioner also submits that the vehicle is hypothecated to Cholamandalam Investment & Finance Company Ltd.

4. In paragraph 3 of the petition, it has been stated that the petitioner had decided to work in Singapore and had handed over his vehicle to one Vishnu of Jalandhar, whereas it was the petitioner, who was paying the installments of the loan. Subsequently, in paragraph 4, it is mentioned that the vehicle was run by Vishnu and Tirth Singh and they were involved in FIR captioned above.

5. Be that as it may, the question is detaining the vehicle for a long time is not going to achieve any purpose whatsoever. By the passage of time, the vehicle will lose its self life and further its value will deprecate.

6. Given above, the present petition is allowed and the impugned order is set aside. The vehicle in question shall be released to the petitioner on furnishing a surety amount of 80% the assessed value as well as 20% of the deposit in the concerned court. The concerned court shall also intimate the financier about involvement of the vehicle in NDPS case.

The present petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

13.05.2022
Jyoti-II

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