

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

CRR-2072-2022

Date of decision : 30.11.2022

Chander Pal

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

PANKAJ JAIN, J. (Oral)

Present revision petition has been filed against the order dated 29.08.2022 passed by Additional Sessions Judge, Hisar dismissing the application filed by the petitioner for release of the vehicle bearing No.HR-20AS/3710 on superdari.

2. Counsel for the petitioner submits that the petitioner is owner of the vehicle on the strength of agreement to sell/power of attorney executed by the registered owner of the vehicle namely Bajrang s/o Om Parkash who also appeared before the Lower Court and suffered statement to the said effect that he has no objection if the vehicle is released on superdari. However on pointed query, counsel for the petitioner concedes that it is not the petitioner who is the registered owner of the vehicle in question but Bajrang.

3. While dismissing the petition, the Court held as under:-

“xx xx xx

3. However, during the course of arguments, it transpired that the said vehicle was earlier involved in another case bearing FIR No.173 dated 15.06.2021 under Sections 15-B/25/29/27-A of The Narcotic Drugs and Psychotropics Substances Act, 1985 registered in police-station Sadar, Fatehabad wherein the applicant is the accused. At that time, the vehicle was under the ownership of Bajrang. Said Bajrang took the superdari of the vehicle.

4. It is the case of applicant that the Bajrang sold the vehicle to him vide agreement/power of attorney dated 30.08.2021. However, as Bajrang had taken the vehicle on superdari in case FIR No.173 dated 15.06.2021, he could not have sold the same to the applicant during the pendency of said case. The applicant being accused in that case was fully aware that Bajrang had taken the vehicle on superdari. Even after the vehicle was taken on superdari, it was once again used for carriage of contraband as per prosecution allegations. Therefore, in the facts of the case, I am not inclined to allow the present application for releasing the vehicle on superdari in favour of applicant. Hence, the present application is hereby dismissed.”

4. Keeping in view the aforesaid facts, this Court is satisfied that the collusion between the registered owner i.e. Bajrang and the present petitioner is evident from the record and thus no fault can be found with the order passed by the Court below.

5. Consequently, it is not a case to exercise jurisdiction vested under Section 401. No infirmity in the order passed by Court below has been pointed out which would warrant interference in the impugned order.

6. Accordingly, the present petition is dismissed.

(PANKAJ JAIN)
JUDGE

30.11.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No