

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

CRM-M-50072-2022
Date of Decision:-**21.12.2022**

Som Nath

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Kuldeep Singh Saini, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

KARAMJIT SINGH, J. (Oral)

Instant petition has been filed by petitioner-Somnath against the order dated 12.10.2022 (Annexure P-3) passed by the Court of Judge, Special Court, Ropar, whereby the application moved by the petitioner seeking release of his heavy duty truck No.PB12-T-0135 on 'Superdari' in criminal case having FIR No.79 dated 18.7.2022 under Section 15 of NDPS Act registered at Police Station Kiratpur Sahib District Ropar was dismissed.

On notice of motion, the State counsel filed reply by way of

affidavit of Ajay Singh, Deputy Superintendent of Police, Sri Anandpur Sahib District Ropar.

I have heard the counsel for the parties and gone through the record of this case.

As per the allegations in the FIR, the police apprehended the aforesaid heavy duty truck along with poppy husk on 18.7.2022 and at that time, the said truck was driven by Mukesh Kumar while the petitioner was sitting alongside the driver's seat.

As per the counsel for the petitioner the said truck is owned by the petitioner and is not involved in any other criminal case. The aforesaid assertions made by the counsel for the petitioner are not refuted by the State counsel. Rather in its reply the State has admitted the fact that the truck in question is registered in the name of the petitioner and is not involved in any other criminal case.

It will take considerable time for the trial to conclude and presently the truck in question is parked in the concerned Police Station and with passage of time its condition would deteriorate and even its utility would be reduced and it may become unfit for roadworthiness. So no ground is made out to retain the truck in question in the police custody for any longer period.

In the light of the aforesaid, this petition is allowed and the impugned order is set aside and heavy duty truck No.PB12-T-0135 is directed to be released on Superdari to its registered owner subject to his furnishing superdari bonds to the satisfaction of the trial Court concerned /

Duty Magistrate, Ropar with further direction to its owner not to dispose of the vehicle in any manner without prior permission of the trial Court and to produce the same in the concerned Court as and when directed to do so till the conclusion of the trial.

21.12.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No