

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

**CRM-M-3011-2023**

**Date of decision : 14.09.2023**

**HARMANDEEP SINGH**

....Petitioner

Versus

**STATE OF PUNJAB**

...Respondent

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Amit Arora, Advocate  
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

**PANKAJ JAIN, J. (ORAL)**

The present petition filed under Section 482 Cr.P.C. is directed against the order dated 6<sup>th</sup> of December, 2022 placed on record as Annexure P-7 whereby the application filed by the petitioner for release of the vehicle i.e. Volkswagen Polo Car bearing Regd. No.PB05Z-8379 stands rejected by Ld. Additional Sessions Judge, Tarn Taran holding as under :

“As per report vehicle was owned by Atul Singla and he has not been associated under section 29 of the NDPS Act. Till the necessary action not taken, the application cannot be allowed. As such, the present application stands disposed of. Papers be attached with the main file.”

2. Counsel for the petitioner refers to order dated 31<sup>st</sup> of May, 2022 (Annexure P-2) to contend that in fact the registered owner of the vehicle Atul Singla was nominated as one of the accused and was granted indulgence by the Special Court by granting pre-arrest bail. The petitioner

is a purchaser of the car from said Atul Singla and *qua* that, Atul Singla has stated so in the application Annexure P-6 as well.

- 3. Counsel for the State is not in position to dispute the aforesaid facts.
- 4. Resultantly, the impugned order dated 6<sup>th</sup> of December, 2022 cannot be sustained and is hereby set aside.
- 5. Ld. Judge, Special Court, Tarn Taran is directed to decide the application afresh keeping in view that Atul Singla was indeed earlier nominated though has now been granted clean chit.
- 6. Necessary orders be passed as per law within a period of two weeks from the date of receipt of certified copy of this order.
- 7. Petition stands allowed accordingly.

|                           |               |
|---------------------------|---------------|
| September 14, 2023        | (Pankaj Jain) |
| Dpr                       | Judge         |
| Whether speaking/reasoned | : Yes/No      |
| Whether reportable        | : Yes/No      |