

CRM-M-18052-2022

Date of decision: 22.02.2023

MOHINDER PAL SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Hitesh Verma, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Petitioner is seeking to quash the impugned order dated 16.03.2022 passed by the Court of learned Additional Sessions Judge, Barnala vide which the application for release of motorcycle bearing registration No.PB-03AR-7158 on supardari has been declined.

Learned counsel for the petitioner contends that the aforesaid vehicle has been recovered in the case bearing FIR No.50 dated 28.06.2021, under Sections 21/22 of NDPS Act, 1985 registered at P.S. Bhadaur, District Barnala. The petitioner though is not the registered owner but is the attorney of Budh Singh @ Budh Ram, the registered owner of the vehicle. The request for release of the vehicle on supardari has been primarily declined on the score that the photostat of the power of attorney has been produced. It has been submitted that the petitioner is in possession of the original power of attorney executed by the registered owner of the vehicle and no opportunity has been afforded by the Court below to the petitioner to submit or produce the original power of attorney.

Learned counsel for the parties are *ad idem* that the impugned order may be set aside and the direction may be issued to decide the application for

release of vehicle on supardari afresh after affording an opportunity to the

petitioner to produce and examine the original power of attorney, if any, in his possession.

In these set of circumstances, the impugned order dated 16.03.2022 passed by the Court of learned Additional Sessions Judge, Barnala is set aside and the concerned Court is directed to decide the matter with regard to release of aforesaid vehicle on supardari afresh after affording opportunity to the petitioner to produce and examine the original power of attorney.

In view of the aforesaid terms, the present petition is disposed of. However, the learned trial Court is also requested to look into the feasibility of expeditious disposal of the application as the vehicle is in the custody of the police for the last more than 1 ½ year.

22.02.2023

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(VIVEK PURI)
JUDGE

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