

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-1589-2023(O&M)

Date of Decision:-21.11.2023

Tanvir Khan.

.....Petitioner.

Versus

State of Haryana.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Manvinder Sidhu, Advocate for the Petitioner.

Mr. Rajiv Goel, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present revision petition is for setting aside the order dated 31.03.2023 passed by the Additional Sessions Judge, Sirsa vide which the application filed by the petitioner for the release of his vehicle i.e. Car Baleno Alpha bearing registration number MP-09WM-0904 on Superdari has been dismissed.

2. The brief facts of the case are that an FIR No.304 dated 30.06.2022 under Section 15 of the NDPS Act P.S. City Dabwali came to be registered against a number of accused. During the course of the investigation, accused Irfan Khan was arrested and got recovered three mobile phones along with SIM Cards and one Baleno Car bearing registration No. MP-09WM-0904. During the course of the investigation, after the passing of the interim order, the petitioner also joined the

investigation.

3. The application in question was filed for the release of the car on superdari which came to be dismissed vide order dated 31.03.2023 which is impugned in the present petition.

4. The Counsel for the petitioner contends that the vehicle was lying parked in the Police Station in an open area and the adverse weather conditions was leading to the deterioration of the condition and value of the vehicle. Since the vehicle was in a static position without being used, its body as well as tyres and other parts would diminish in quality and value over a period of time and would soon be rendered redundant. He thus states that the vehicle may be released on superdari by imposing suitable conditions by this Court. Reliance is placed on *Harpreet Singh Versus State of Punjab, 2006(4) RCR (Criminal) 719, Hunny (Honey) Versus The State of Haryana, Criminal Appeal No.S-3347-SB-2017, decided on 26.10.2017 and Sunil Kumar Versus State of Haryana, CRM-M-37712-2018, decided on 22.10.2018.*

5. On the other hand the learned State Counsel submits that Irfan Khan the relative of the petitioner was using the present vehicle to pilot the vehicle from which the contraband was recovered. Therefore, in view of the provisions of the NDPS Act, the vehicle could not be released as there was every possibility that it would be put to illegal use once again. He however admits that the petitioner has joined investigation.

6. I have heard counsel for the parties at length.

7. This Court in *Hunny (Honey's)* case (supra) dealt with a similar controversy and ordered the release of the vehicle on superdari obviously for the reason that in case the vehicle was allowed to be parked in a open place in the premises of the Police Station, it would certainly affect its utility and

diminish in value rendering it useless as it would turn into junk over a period of time. Similar is the position enumerated by this Court in the case of Sunil Kumar (supra) and Harpreet Singh (supra).

7. In view of the above, the impugned order dated 31.03.2023 passed by the Additional Sessions Judge, Sirsa is hereby set aside and the vehicle is ordered to be released to the petitioner on superdari on his furnishing personal bond in the sum of Rs.5 lakhs with one surety in the like amount before the Trial Court with an undertaking that as and when the vehicle is required by the Trial Court, the petitioner shall produce the same in the same condition at his own cost before the concerned Court. He shall also furnish an undertaking to the effect that in future, he would not allow the said vehicle to be used for any illegal purpose.

(JASJIT SINGH BEDI)
JUDGE

November 21, 2023
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>