

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129

CRM-M-43173-2023
Date of Decision: 05.10.2023

Kulbir Singh
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Ms. Anmol, Advocate,
for the petitioner.

VIKAS SURI, J. (Oral)

[1] This is the second petition filed under Section 482 Cr.P.C. praying for setting aside/modification of order dated 04.11.2022 (Annexure P-2), whereby application filed by the petitioner for release of vehicle bearing No.PB-08-EG-5550 on *sapurdari* in case FIR No.54 dated 16.06.2022, under Sections 21 and 25 of NDPS Act, registered at Police Station Ghall Khurd, District Ferozepur, has been dismissed.

[2] Learned counsel for the petitioner has in all fairness appended a copy of order dated 16.02.2023 (Annexure P-6) passed in CRM-M-1520-2023, titled *Kulbir Singh vs. State of Punjab*, whereby the first petition filed by the petitioner on the same cause of action was withdrawn. The said order reads as thus:-

“This petition has been filed under Section 482 Cr.P.C. seeking setting aside/modification of impugned order dated 04.11.2022 (Annexure P-2) passed by the learned Judge Special Court, Ferozepur, vide which the application filed by the petitioner to release the vehicle bearing No.PB-08EG-5550 on *supardari* in a case bearing FIR No.54 dated 16.06.2022 (Annexure P-1) under Sections 21/25 of the NDPS Act, 1985 registered at Police Station Ghall Khurd, District Ferozepur has been dismissed.

After arguing the case for some time, learned counsel for the petitioner wishes to withdraw the present petition.

Dismissed as withdrawn.”

[3] The facts as pleaded in the petition are that the petitioner had purchased the above referred vehicle from its registered owner namely Hardial Singh and the requisite forms under the Motor Vehicle Rules (Annexure P-5) were also obtained from him along with an undated affidavit, which is shown to have been attested by one Ashok Chadha, Notary, Amritsar, acknowledging the sale of the vehicle in question in favour of the petitioner.

[4] This Court has repeatedly deprecated the practice of preferring second petition after change of counsel, particularly in cases wherein while withdrawing the earlier petition liberty to do so was not obtained. The position is further compounded when the second petition is preferred after change in roster, which is nothing short of Bench hunting.

[5] In the present case, it is not disputed that the petitioner is not

the registered owner of the vehicle and the said person had not even been arrayed as a party-respondent either in the first petition or in the present one. No change in circumstances has been pleaded or pointed out, since the first petition on the same cause was dismissed by the coordinate Bench vide order dated 16.02.2023 noticed above. In such circumstances, the very maintainability of the second petition after change of counsel is in question. Accordingly, the instant petition deserves to be rejected.

[6] Be that as it may, this Court refrains itself from awarding exemplary costs to the petitioner keeping in view that a copy of the order dated 16.02.2023 passed in the earlier petition, has been appended as Annexure P-6 with the present petition.

[7] For the reasons recorded hereinabove, the present petition is dismissed.

October 05, 2023
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(VIKAS SURI)
JUDGE

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