

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-5691 of 2024
Date of Decision: February 02, 2024

Jasdev Singh @ Jassa

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present:- Mr. Randeep Singh Waraich, Advocate
for the petitioner

Mr. Subhash Godara, Addl. A.G. Punjab

Harpreet Singh Brar, J. (Oral)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing/setting aside order dated 02.09.2023 (Annexure P-4) passed by the Judge, Special Court, Ludhiana in case FIR No.141 dated 21.08.2022 under Sections 15, 29, 61, 85 of NDPS Act, 1985 registered at Police Station Machhiwara Sahib, Ludhiana, District Ludhiana whereby the application of the petitioner to return the Motorcycle bearing Registration No. PB-10-FQ-2005 was dismissed.
2. Learned State counsel on instructions from ASI Shingara Singh submits that the petitioner was nominated on the basis of disclosure statement made by co-accused from whose possession four quintal of poppy husk was recovered. In this regard the petitioner was called in the Police Station. The petitioner came in the Police Station on his motorcycle and thereafter after coming to know his involvement in the case he ran away leaving his motorcycle

Crl. Misc. No. M-5691 of 2024

-2-

there. Learned State counsel further submits that present petition is totally misconceived, only a case property can be released on superdari. However, in this case the petitioner is in judicial custody and as and when he comes out on bail the police has no objection to hand over his motorcycle.

3. In view of the above, the grievance raised in the present petition has been substantially redressed on the specific stand taken by the State of Punjab.

4. Learned counsel for the petitioner wishes to withdraw the present petition with liberty to approach the jurisdictional police authorities for taking his motorcycle into possession, as and when he is released on bail.

5. Dismissed as withdrawn with the aforementioned liberty.

6. In case the petitioner after obtaining bail approached the concerned SHO for taking his motorcycle in possession, the SHO concerned shall hand over the motorcycle to the petitioner against a proper receipt.

(HARPREET SINGH BRAR)
JUDGE

February 02, 2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No