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

CRM-M-7932-2021

Date of Decision:- 21.08.2024

BALDEV SINGH

....Petitioner

Vs.

STATE OF PUNJAB AND ORS

...Respondents

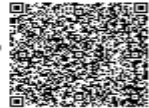
CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Subhash Kumar, Advocate for the petitioner
Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J. (Oral)

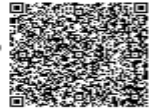
1. Petitioner Baldev Singh filed petition under Section 482 Cr.P.C. for issuance of direction to official respondent Nos.1 to 3 to appoint Local Commissioner or to direct some Independent Officer/Agency to investigate the complaint dated 09.02.2021 (Annexure P-6) and direct the respondent No.4 SHO Police Station Maqsudan to pay damage/compensation to the petitioner in lieu of stealing the costly goods installed inside truck No.PB-10-BP-7298 and with the motive to hide their misdeed burning of his truck in the police custody or for any other directions which the Court may deem fit and proper in the present case.

2. Learned counsel for petitioner argued that petitioner was doing business of transport and he is owner of truck bearing registration No.PB-10-BP-7298. It is matter of record that FIR No.85 dated 16.07.2019 was



registered under Sections 15, 25, 29, 61 and 85 of NDPS Act and under Sections 465, 467, 468, 471, 474 and 482 IPC, Police Station Maqsudan, District Jalandhar against petitioner regarding alleged recovery of 20 kg of poppy husk lying in a bag found tied on motorcycle of petitioner and 60 kg poppy husk recovered from body of Truck No.PB-10BP-7298 which was parked in a vacant plot in front of rented House No.219, Baba Mohandas Colony, Jalandhar. The aforesaid truck was taken into police custody. Copy of FIR is Annexure P-1. Petitioner wanted to get release said truck on superdari as some of his relatives wanted to ply the truck to earn his livelihood. The truck was parked in boundary of police station Maqsudan, District Jalandhar. The relative of petitioner was surprised to see that truck was burnt completely from inside whereas the outer side of the truck was intact. Relative of petitioner approached SHO Police Station Maqsudan to enquire about the incident who claimed that due to short circuit the said truck was burnt and they were not at fault. Petitioners have placed on record photographs of the said truck (Annexure P-2 to P-5). Application was moved claiming damages for the said truck to the higher police officer. Copy of representation is Annexure P-6. However, no action was taken and finally present petition was filed.

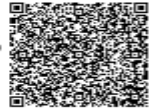
3. It is pointed out that with the directions of this Court, Chief Judicial Magistrate, Jalandhar was directed to appoint Surveyor from the panel of Government recognized Insurance Company to assess the loss to the truck parked in the police station as per order dated 19.03.2021. Report has been received according to which loss assessed by the surveyor is to the tune of Rs.4.60 lakhs. DSP was directed to file his affidavit in this regard. Therefore, petitioner is entitled to compensation for the loss caused



to the said truck which was in police possession.

4. Status report has been filed confirming that truck was lying in police possession being case property in FIR No.85 dated 16.07.2019 under Sections 15, 25, 29, 61, 85 NDPS Act and Sections 465, 467, 468, 471, 474, 482 IPC. There was no enough space in Police Station Maqsudan. Therefore, vehicle was parked in the allotted space of Police Station Maqsudan. On 12.11.2019 there was sudden fire and Fire Brigade was called to extinguish the fire. Regarding this occurrence, there is DDR No.23 dated 12.11.2019, Police Station Division No.1 (Annexure R1/T). Illaqa Magistrate, Commissioner of Police Jalandhar were informed about this incident and recording of aforesaid DDR. Cause of fire was not ascertained by the police. Representation of petitioner No.1 dated 09.02.2021 (Annexure P-6) was marked to Sub Inspector, Sukhwinder Singh No.170/JAL of Police Station Maqsudan, District Jalandhar (Rural) to enquire the circumstances under which the said truck caught fire.

Later-on supplementary status report dated 27.07.2023 was received. It is confirmed that as per the directions of this Court Surveyor was appointed by learned Chief Judicial Magistrate, Jalandhar who calculated loss to the extent of Rs.4.60 lakhs. Detailed report is annexed. As per inquiry, the truck was parked outside the police station due to lack of space inside the police station. Head Munshi had removed two tyres and rim of the said truck so that nobody could not start the truck and steal it. Said tyre and rim were kept in police Malkhana. Truck caught fire due to sudden sparking of the electricity wires and got burnt. There was no negligence or carelessness of any police personnel. It was further alleged that petitioner could claim aforesaid amount from the Insurance Company.



5. I have considered the facts and the arguments advanced by learned counsel for the petitioner as well as learned counsel representing State of Punjab. Admittedly truck No.PB-10BP-7298 was taken into police possession in FIR No.85 dated 16.07.2019, registered under Sections 15, 25, 29, 61 and 85 of NDPS Act and under Sections 465, 467, 468, 471, 474 and 482 IPC, Police Station Maqsudan, District Jalandhar. It is further not disputed that the said truck caught fire and it was damaged. As per the report of Surveyor, net loss assessed is Rs.4.60 lakhs and letter received from CJM, Jalandhar along with Surveyor report is annexed with the file. Truck No.PB-10BP-7298 is case property in aforesaid FIR from which alleged contraband was recovered. Release of vehicle on superdari is to be decided by the Court concerned. At this stage, it will not be appropriate to pass any direction for payment of any amount on the basis of loss assessed by the Surveyor. However, petitioner can avail appropriate remedy regarding release of vehicle as well as claim for compensation as per law.

6. Petition is, accordingly, disposed of.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

21.08.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No