

110 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-381-2024 (O&M)

Date of Decision: 26.02.2024

Karanveer Singh @ Raja

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karanjeet Singh Brar, Advocate,
for the petitioner.

Mr. Kewal Singh, Addl. A.G., Punjab with
ASI Suraj.

HARKESH MANUJA, J. (Oral)

CRM-8719-2024

Prayer in this application is for condoning the delay of 48 days in
filing the main petition.

Having heard learned counsel for the parties and gone through the
contents of the application, same is allowed and delay of 48 days in filing
the main petition is condoned.

CRM-8721-2024

Allowed as prayed for. Documents (Annexures P-1 and P-2) are
taken on record.

Main case

1. Challenge in the present revision petition is to the judgment dated
07.10.2023 passed by the Court of learned Judge, Special Court, Ludhiana,

whereby an application for releasing the vehicle i.e. Breeza car bearing No.PB-43G-0485, filed on behalf of the petitioner through his special power of attorney holder Simranjit Kaur, stood declined.

2. Briefly, petitioner is the registered owner of the Maruti Brezza bearing registration No.PB-43G-0485, which was impounded by the police in FIR No.120 dated 12.06.2023, registered under Sections 15, 18, 25 of the NDPS Act, 1985, at Police Station Samrala, Ludhiana, against co-accused Jasvir Singh @ Jassa and Dharminder Singh with the allegations that both were shifting a bag from truck in the vehicle in question i.e. Breeza Car and on search, 30 kg of poppy husk was recovered from the bag and 1 kg & 700 gram of poppy husk was recovered from the vehicle in question.

3. Feeling aggrieved, petitioner through his special power of attorney holder Simranjit Kaur moved an application for the release of aforesaid vehicle on superdari. The said application came to be dismissed by the Judge, Special Court, Ludhiana, vide order dated 07.10.2023 on the ground that the petitioner is an accused in the present FIR and he has not been arrested till date besides it, his anticipatory bail application already stands dismissed by this Court. The aforesaid order has been impugned in the present petition.

4. While assailing the aforesaid judgment, learned counsel for the petitioner submits that the Court below failed to appreciate the fact that the petitioner has been nominated in the present case only on the basis of disclosure statement made by co-accused Dharminder and thereafter, 3 kg of opium was recovered from the fields adjoining to the house of petitioner.

The vehicle in question i.e. Breeza Car was taken into custody by the police.

The trial Court also failed to appreciate the fact that the vehicle in question was got financed by the petitioner and his family members have to deposit the installments but due to its impounding, it is becoming junk day-by-day.

Learned counsel while relying upon a judgment dated 28.09.2016, rendered by Co-ordinate Bench in CRR-1765-2015, titled "**Gurbinder Singh @ Shinder vs. State of Punjab**", submitted that in the similar circumstances, the petition was accepted and the vehicle of the owner-accused was directed to be released on *superdari*.

6 Learned State Counsel has vehemently opposed the prayer made in the petition, however, he has no answer to the order dated 28.09.2016 passed in **Gurbinder Singh @ Shinder's case (supra)**.

7. I have heard learned counsel for the parties and gone through the paper book.

8. In the present case, the seized vehicle is lying in the police station for the last more than 08 months, which may outlive its utility with the passage of time. No useful purpose is going to be served by keeping the seized vehicle idle in police station for a long period as the same will become junk. The trial of offences mentioned in the FIR may take long time. Moreover, petitioner has already been granted the concession of regular bail by this Court vide order dated 31.01.2024 passed in CRM-M-2364-2024, titled as "**Karanveer Singh @ Raja vs. State of Punjab**", besides it, no proceedings under Chapter V-A of NDPS Act, 1985 have been initiated against the present petitioner, as per learned State counsel. In view of the aforesaid facts, it may be appropriate to order release of seized vehicle on *superdari* in favour of its registered owner.

9. Resultantly, the petition is allowed and impugned order dated 07.10.2023 passed by the Court below is hereby set aside. The seized vehicle is hereby directed to be released on *superdari* to its registered owner–petitioner, on furnishing *superdari* bonds, subject to the satisfaction of the trial Court / Duty Magistrate / SDJM concerned.

26.02.2024
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no
Whether reportable? yes/no