

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.18759 of 2024
Date of decision: 19th April, 2024

Sonu
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Dipanshu Kapur, Advocate for
Mr. S.S. Rana, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking quashing of order dated 09.02.2024 (Annexure P-4) passed by learned Additional Sessions Judge, Patiala, in case FIR No. 214 dated 26.07.2023 under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Rajpura, District Patiala, vide which his application for release of vehicle i.e. Honda Amaze bearing registration No.HR-26-CE-2678 (hereinafter referred to as, ‘the vehicle’) on sapurdari was dismissed.

2. Learned counsel for the petitioner inter alia contends that he purchased the vehicle from a dealer on 11.06.2023, and additionally obtained an NOC/clearance certificate for the purpose of transferring the vehicle into his own name, albeit the vehicle had not yet been registered in his name. Notably, the petitioner was not even present

when the alleged recovery was affected from the vehicle, which in fact had been borrowed by the accused persons under the guise of visiting Mata Chintpurni Temple in Himachal Pradesh. Furthermore, it has been emphasized that prior to this incident when the recovery was affected from the vehicle, it had never been involved in any unlawful activities coupled with the fact that the petitioner was neither named as an accused nor challaned in the FIR in question. In support of his submissions, learned counsel has placed reliance upon the ratio of law laid down by Hon'ble the Supreme Court in '**Sunderbhai Ambalal Desai vs. State of Gujarat**' 2003(1) RCR (CrI.) 380 as well as a Division Bench of this Court in '**Gurbinder Singh vs. State of Punjab**' 2016(4) RCR 492 wherein it has been held that the vehicle used for transporting narcotic drugs and psychotropic substances can be released on sapurdari by invoking the provisions of Section 451 of the Cr.P.C.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. Upon examination of the material on record, it is evident that the petitioner has not provided any documentation to substantiate his ownership over the vehicle in question. Therefore, the release of the vehicle to him cannot be allowed. The vehicle is a case property and is allegedly linked to an offence under the NDPS Act. Consequently, the vehicle cannot be released to the petitioner during the trial, particularly when he is not even the registered owner of the vehicle.

5. In the facts and circumstances as enumerated hereinabove,
no ground is made out to grant the relief as prayed for by the petitioner.
The petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

April 19, 2024
rps

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