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2024:PHHC:170293



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55350-2024
DECIDED ON: 07.11.2024

JASKARAN SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 for quashing of impugned order dated 30-09-2024/Annexure P-1 passed by Ld. Additional Sessions Judge Sirsa, where by application Annexure P-2 dated 07-02-2024 preferred by the applicant/petitioner to allow him to sell his vehicle/Truck No. RJ-19GD-8382 as well as to release of original R.C. (registration certificate) lying in custody of, Ld. Trial Court of the aforesaid vehicle to petitioner has been dismissed in case arising out of FIR No. 257 dated 25-07-2020, u/s 17 of NDPS Act 1985, Police Station Dabwali Sadar, District Sirsa, Haryana (Annexure P-6).

The brief facts of the case are that on 25th July 2020, at approximately 1:40 AM, accused Amarjeet and Raju were arrested by the police at the Bus Stand in Moujgarh. They had arrived in a truck (Trolla No.

RJ-19GD-8382) coming from the direction of Goriwala. Amarjeet Singh was driving the truck, and Raj Kumar alias Raju was seated in the front passenger seat. Upon searching the truck, two polythene bags were found in the tool box, containing a total of 1 kg 200 grams of opium, with one bag weighing 750 grams and the other 500 grams. The recovered opium was seized following the mandatory legal procedures, in the presence of a Gazetted Officer. The accused later disclosed that they had purchased the opium from Balkaran Singh, son of Karnail Singh, resident of Ellenabad. After their arrest, the charge sheet was filed.

Learned counsel for the petitioner contends that the aforesaid vehicle, which was taken into the possession during investigation in the aforesaid FIR stands released on *superdari* by the trial Court vide order dated 16.09.2020 (Annexure P-4). He further contends that he purchased the vehicle in the year 2014, and as per the Motor Vehicle Act, the vehicle is now prohibited from entering the NCR region. As a result, the value of the vehicle is steadily depreciating over time.

Heard.

The petitioner is acknowledged as the registered owner of the vehicle. However, since the vehicle has been released on *superdari*, it remains linked to a pending investigation or trial related to the afore-said FIR and permission to sell the vehicle cannot be granted while the trial is still pending. This is because the vehicle is classified as case property, which means it may be required for evidence or other legal proceedings related to the ongoing case. Moreover, allowing the petitioner to sell the vehicle could lead to a recurrence of the offence associated with it. The court expresses

concern that such an action might facilitate further illegal activities by the petitioner. *Superdari* is a legal provision allowing for the temporary release of seized vehicles during legal proceedings, while it enables owners to reclaim possession, it does not grant them the right to sell the vehicle until all legal matters are resolved.

This Court has held that while the petitioner holds ownership rights, the court's decision reflects a strict adherence to legal protocols surrounding case properties, prioritizing the integrity of ongoing investigations and trials over individual ownership claims.

In view of the discussions made hereinabove, the present petition is dismissed being devoid of any merits and the impugned order dated 30.09.2024 (Annexure P-1) is upheld.

07.11.2024

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>