



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

CRR-2264-2024

Date of decision: 13.11.2024

Tarsem Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Lovish Arora, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present revision petition has been filed by the petitioner seeking setting aside of order dated 09.10.2024 passed by the Court of Judge, Special Court, Sri Muktsar Sahib vide which the application filed by the petitioner seeking release of his motor cycle Royal Enfield No.PB-46-AJ-6240 of black colour on supurdari in criminal case having FIR No.127 dated 18.07.2024, under Section 21(b), Police Station City Muktsar, has been dismissed.

2. Notice of motion.

3. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State.

4. The counsel appearing on behalf of the petitioner submits that there is no dispute with regard to ownership of the aforesaid motor cycle which is registered in the name of the petitioner as is evident from impugned order dated 09.10.2024. It is further submitted that petitioner is already released on bail in the afore-stated criminal case, which is relating to recovery of non commercial quantity of contraband. It is further submitted that it will take time for the trial to conclude and thus, no purpose will going to be served by keeping the aforesaid motor cycle in the malkhana for indefinite period.



5. On the other hand, the State counsel submits that the said motor cycle is a case property as non commercial quantity of contraband was recovered from the petitioner while he was riding on said motor cycle.

6. I have considered the submissions made by counsel for the parties.

7. Apparently, it appears that the aforesaid motor cycle is owned by petitioner and is seized by the police in criminal case having FIR No.127 dated 18.07.2024, registered in Police Station City Muktsar in a criminal case under NDPS Act. Admittedly, it will take time for the trial to conclude and even if the said motor cycle is a case property, it cannot be kept in the malkhana for indefinite period. With the passage of time, the condition of the motor cycle including its tyres will deteriorate, in case it is kept in the malkhana of the police station for any longer period.

8. In light of the above, the impugned order dated 09.10.2024 is not sustainable and deserves to be set aside.

9. Consequently, the present petition is allowed and impugned order dated 09.10.2024 is set aside and the application filed by the petitioner seeking release of his motor cycle on supurdari is allowed, subject to condition that the petitioner is to furnish supurdari bond in sum of Rs.1.5 lacs with one surety to the satisfaction of the trial Court, with undertaking to produce the said motor cycle in the Court concerned as and when called to do so and not to dispose of or change the nature and color of the motor cycle without prior permission of the Court. In case, the petitioner fails to produce the said motor cycle before the trial Court, when asked to do so, then trial Court will be at liberty to take adverse inference against the petitioner, to the extent of identity of the said motor cycle and to cancel the supurdari.

13.11.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No