

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

114

CRR-2888-2023

Date of decision: 10.04.2024

HARJINDER SINGH @ GHAKU

....Petitioner

Versus**STATE OF PUNJAB**

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Kuldip Singh, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, challenge has been thrown to the impugned order dated 10.08.2023, wherein, the application for releasing vehicle i.e. Swift Dzire VDI car bearing No.PB-61A-2626, on superdari has been rejected by the learned trial Court concerned.
2. The vehicle in question was taken into possession by the Police in case FIR No.44 dated 24.05.2023, under Sections 22 and 29 of the NDPS Act, at Police Station Arniwala, District Fazilka, as there are allegations of transporting of narcotics.
3. On perusal of the impugned order, it transpires that the application for releasing of the vehicle (supra), on superdari to the petitioner was declined on the ground that the petitioner is not the registered owner, and no document has been placed on record by him, to establish the ownership of the vehicle.
4. Through the instant petition, challenge to the impugned order (supra)

has been made, and the petitioner has also attached Annexures P-3, P-4 and P-5, i.e. the affidavit sworn by the earlier owner of the vehicle, Form-29 and Form-30, respectively, to assert that the vehicle has been transferred by the earlier owner in the name of the present petitioner.

5. On a specific query put by this Court to the counsel for the petitioner, that whether, these documents were placed on record before the learned trial Court concerned, with the application on superdari. Learned counsel for the petitioner fairly contends that earlier the petitioner was not in possession of these documents.

6. In view of the above facts and circumstances, this Court deems it fit and appropriate to remand the *lis* to the learned trial Court concerned, with a liberty to the petitioner to move an application for placing on record the above annexures, which is relied upon by the petitioner herein, to establish his ownership.

6. The direction is issued to the learned trial Court concerned, to decide the application afresh, and accordingly, the instant petition is **allowed**. The impugned order is set aside, and the matter is remaded back to the learned trial Court concerned, for fresh decision on the application of superdari, and the said application be decided by giving adequate opportunity of hearing to the parties concerned.

10.04.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No