

(2006) 07 P&H CK 0202

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Reven. No. 1328 of 2006

Raghubir Singh alias Beera

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: July 13, 2006

Acts Referred:

- Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) - Section 15, 25

Citation: (2006) 4 RCR(Criminal) 343

Hon'ble Judges: Satish Kumar Mittal, J

Bench: Single Bench

Advocate: S.S. Gill, for the Appellant; N.S. Gill, A.A.G., for the Respondent

Final Decision: Allowed

Judgement

Satish Kumar Mittal, J.

This revision petition has been directed against the order dated April 18, 2006, passed by Judge, Special Court, Sangrur, whereby application filed by the petitioner for releasing the car bearing registration No. DL-6C-3076 on sapurdari which was impounded in case FIR No. 41 dated 26.3.2006 u/s 15/25 of the NDPS Act, registered at Police Station Lehra, has been dismissed.

2. The petitioner is the owner of the aforesaid vehicle. As per the prosecution version, 15-1/2 kgs. of poppy husk was recovered from this vehicle, when it was being driven by the petitioner. The trial in the case is going on. However, same is not likely to conclude soon. During the pendency of the trial, the petitioner moved application for releasing the said vehicle on sapurdari, which has been dismissed by the trial Court, vide impugned order on the ground that the vehicle in question is liable to be confiscated under the Act.

3. Counsel for the petitioner contends that in the aforesaid FIR, a false case has been planted on the petitioner by the police and a recovery of 15-1/2 kgs. of poppy husk has been shown from his car. He further submits that the petitioner is the registered

owner of this car and it is being used by him for the purpose of his family travelling. He submits that conclusion of trial will take a long time and in case, car is not released, it will not only damage its condition, but the petitioner will face difficulty in his day-to-day functioning. He further submits that the petitioner is ready to give an undertaking that as and when the Court requires the aforesaid car, he will produce the same in the same condition before the concerned Court. Counsel further relied upon a decision of the Supreme Court in *Sunderbhai Ambalal Desai v. State of Gujarat*, 2003 (1) RCR CrL 380 (SC) and decision of this Court in *Roop Chand and Company v. State of Punjab*, 1996 (1) RCR(Cri) 401.

4. I have heard counsel for the parties.

5. Undisputedly, the trial in the aforesaid case is still pending before the trial Court. The question of confiscation of the vehicle in question will be considered along with the main case. At present, the vehicle is standing in the police station. No useful purpose will be served, if it is allowed to remain in the police station and it will also result into its damage.

6. Thus, keeping in view the aforesaid facts and the law laid down by the Apex Court in *Sunderbhai v. Ambalal Desai*'s case (*supra*) and in view of the undertaking given by the petitioner, as indicated above, it will be in the interest of justice if the said vehicle is ordered to be given on *sapurdari* to the petitioner on his furnishing proper undertaking.

7. Accordingly, this revision petition is allowed, the impugned order dated April 18, 2006, passed by Judge, Special Court, Sangrur, is set aside and the vehicle in question is ordered to be released on *sapurdari* to the petitioner on his executing personal bond in the sum of Rs. 1.50 lacs with one surety in the like amount and the undertaking to the effect that as and when the trial Court requires the above said car, the petitioner will produce the same in the same condition at his own cost before the concerned Court.