



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

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CRM-M-13372-2025

Date of decision: 24th March, 2025

Mohinder Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

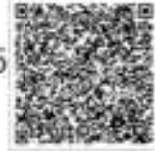
Present: Mr. Manoj R. Sharma, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The instant revision petition has been filed by the petitioner against the order dated 23.08.2024 passed by learned Additional Sessions Judge, Gurdaspur in case arising out of FIR No. 44 dated 25.03.2024 registered under Sections 21(b), 21 and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') at Police Station Dinanagar, District Gurdaspur, whereby an application moved by the petitioner for release of the vehicle bearing registration No. PB-08-EX-1707 on *superdari*, had been dismissed.

2. The aforementioned FIR had been registered on the allegations that on 25.03.2024, in the area of T point near Graveyard, Paniar, 30 grams *heroin* alongwith one computer scale were recovered from accused Rakesh Kumar @ Muna. The petitioner is the registered owner of the aforesaid



vehicle.

3. Learned counsel for the petitioner has submitted that the impugned order is liable to be set aside as the same had been passed by the learned Additional Sessions Judge without applying his judicious mind. Merely because the recovery had been effected from the said vehicle would not be a reason enough to deny the claim of the petitioner. The aforesaid vehicle was taken into possession by the police for about one year back as case property. The petitioner had moved an application before the learned trial Court for release of his vehicle on *superdari* claiming that he was the owner of the same but the same had been dismissed. Learned counsel for the petitioner has further submitted that since the vehicle is lying with police for the last one year, its condition is deteriorating every passing day, besides it is getting rusty. Hence, it is urged that the petition deserves to be accepted, impugned order is liable to be set aside and the vehicle in question deserves to be released to the petitioner on *superdari*.

4. On the other hand, learned State counsel has opposed the prayer of the petitioner by arguing that there is no infirmity or illegality in the impugned order and the learned trial Court has rightly rejected the application of the petitioner seeking release of the aforesaid vehicle, as the same had been sold by him. Therefore, it was not liable to be released to the petitioner on *superdari* even though he was the registered owner of the vehicle.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. Undisputedly, the trial is pending. The petitioner is registered



owner of the vehicle in question. The learned trial Court has dismissed his application for release of the vehicle on the ground that he had sold his vehicle to accused Rakesh Kumar. Accused Rakesh Kumar had appeared in person in this Court. He has placed on record copy of his Aadhar Card. He has been duly identified by learned counsel for the petitioner. He has placed on record an affidavit sworn by him saying that he has no objection, if the vehicle is released on *superdari* in favour of the petitioner as this vehicle has never been transferred in his name till date. The learned trial Court had dismissed his application due to the reason that the vehicle in question had been sold by him. In view of the no objection given by above named Rakesh Kumar and further keeping in view the fact that the petitioner is registered on owner of the vehicle in question till date, this Court is of the considered opinion that the impugned order is not sustainable. Accordingly, the same is set aside. The question of confiscation of the vehicle will be considered at the end of the trial. The vehicle is standing in the police station and would be damaged if it is allowed to remain in the police station. The vehicle bearing registration No. PB-08-EX-1707 is ordered to be released on *superdari* in favour of the petitioner, on usual terms and conditions to be imposed by the trial Court.

[MANISHA BATRA]
JUDGE

24th March, 2025

Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |