
(2011) 11 P&H CK 0174

In the Punjab And Haryana At Chandigarh

Case No : Criminal Revision No.1711 of 2011 (O and M)

Ujagar Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 18-11-2011

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) — Section 18

Citation : (2011) 11 P&H CK 0174

Hon'ble Judges : Nawab Singh, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Nawab Singh, J.—Challenge is to the order dated June 15th, 2011, passed by Judge, Special Court, Barnala, whereby, application of the petitioner for release of Tata Indica Car bearing No.PB-10-AR-0073 was dismissed.

2. Factual background is that on April 23rd, 2011, the Car was intercepted by the Police, while being driven by Jaswinder Singh son of the petitioner. On personal search of Jaswinder Singh, opium was recovered from his possession. First Information Report (for short "FIR") No.22 dated April 23rd, 2011 u/s 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 was registered in Police Station Mehal Kalan. The car was taken into possession.

3. Contention of the counsel for the petitioner is that he is registered owner of the car. He is not named as accused in the FIR. It was not in his knowledge that his Car was being used by his son for carrying the opium. The factum of his ownership has been verified by the Station House Officer, vide his report dated May 14th, 2011 (Annexure P4).

4. The car in question is stationed in the Police Station since the day of registration of the FIR, that is, for the last more than six months. Indeed, the condition vehicle of the petitioner will get deteriorated if it is left unattended any more. There are possibilities that it may turn into scrap and not in running

condition after some more time. The petitioner, of course, can be asked to furnish undertaking to keep the vehicle in the same condition and produce the same before the Court as and when required for the purpose of trial. Even if the vehicle is required to be confiscated at any subsequent stage, that can be done irrespective of the fact that the vehicle is in the custody of the petitioner.

5. In view of above, no useful purpose would be served by keeping the Car in the Malkhana. Thus, there should not be any impediment in releasing the car to the petitioner.

6. Thus, the revision is accepted. The order, under challenge, is set aside. Accordingly, the Car be released to the petitioner, on proper identification, if not required in any other case.

7. Disposed of accordingly.