

PUNJAB STATE VS Amarjeet Singh

Present: Shri S.S. Saini, Ld. APP for the State.
Shri Megh Raj Kaushal, Advocate for applicant Jang Bahadur son of Shri Vijay Singh **through his special power of attorney** Sarabjit Singh son of Shri Sher Singh.

Police report received. Heard on application filed by the applicant for release of vehicle i.e. JCB Machine bearing registration number PB-07-AA-2038 on sapurdari. Report of SHO Police Station-Sri Anandpur Sahib received and perused. As per report of SHO, vehicle in question bearing registration No.PB-07-AA-2038 was recovered by the police in above said FIR and the local Police has given no objection if the above said JCB is released on sapurdari to its original owner i.e. Jang Bahadur son of Vijay Singh. Present application has been filed by Jang Bahadur son of Shri Vijay Singh through his special power of attorney namely Sarabjit Singh son of Shri Sher Singh. He has placed on record notarized copy of special power of attorney executed by Jang Bahadur in favour of Sarabjit Singh. The completion of trial may take some time. No useful purpose would be served by keeping the case property in the police station. It will be vulnerable to deterioration by natural forces and human acts. Moreover, it has been held by **Hon'ble Supreme Court of India in “Sunderbhai Ambalal Desai Vs. State of Gujarat” 2003 AIR (SC) 638 that case property should not be kept in Malkhana for indefinite time and must be handed over to the rightful claimant.** Hence, it is ordered that the vehicle in question i.e. JCB Machine bearing registration number PB-07-AA-2038 is ordered to be released on interim custody to its original owner i.e. Jang Bahadur son of Shri Vijay Singh through special power of attorney namely Sarabjit Singh son of Sher Singh on his furnishing indemnity bonds to the tune of ₹ 40,00,000/- with one surety of a like amount, subject to the following conditions :-

1. The applicant shall produce the vehicle in question in the court

as and when required and directed by the court and no separate notice shall be required to be served upon applicant for this purpose and failure to produce the vehicle in question would entail rejection of this order, cancellation and forfeiture of personal, sapurdari and surety bonds.

2. The applicant shall not alienate or dispose of the vehicle in question till the conclusion of the trial, without permission of the Court.
3. The applicant shall not change the colour of the vehicle, its body or any material parts and components thereof, without permission of the Court.
4. All the signatory to be bonds shall intimate the court their new residential addresses as and when they changes.
5. As per the direction given by Hon'ble Supreme Court of India, vide judgment dated 19.04.2010 passed in writ petition(c) No.14 of 2008, titled as General Insurance Counsels & others Vs. State of Andhra Pradesh & others, the Station House Officer is further directed to prepare a detailed proper punchnama of the vehicle to be released on sapurdari and to take photographs of the afore referred vehicle which are to be duly attested by the Station House Officer, himself.

Indemnity and surety bonds furnished which are accepted and attested. This application stands disposed of accordingly. Papers be tagged with pending papers/FIR. Release order be issued immediately.

Date of Order: 10-06-2022
Sunil Kumar (Stenographer Gr-III)

(Jagmilap Singh Khushdil, PCS)
Sub Divisional Judicial Magistrate
Sri Anandpur Sahib(UID No.PB00342)