

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

**Crl. Misc. No. M-29762 of 2015
Date of decision: - 03.09.2015**

Kamaldeep Singh

...Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Rahul Rathore, Advocate,
for the petitioner.

SHEKHER DHAWAN

Present petition against order dated 06.06.2016 passed by learned Judicial Magistrate, 1st Class, Karnal, thereby dismissing the application for release of vehicle i.e. Car bearing registration No.HR-07-S-6358 in FIR No. 124 dated 04.05.2015 under Sections 323, 324, 341, 307, 427 and 506 IPC, Police Station, Butana.

2. The application was filed by applicant-Kamaldeep Singh being power of attorney holder of Virender Singh son of Kashmir Singh. Revision petition against the said order was dismissed by learned Additional Sessions Judge, Karnal, vide order dated 06.07.2015. Both the orders are under challenge before this Court, by way of present petition.

3. Learned counsel for the petitioner mainly contended that no purpose shall be served by detaining the vehicle in police custody as the

so, the loan was taken from Punjab National Bank, Ladwa and petitioner being power of attorney holder on the basis of power of attorney dated 03.06.2015, is making payment of instalments. Petitioner has also undertaken to produce the vehicle as and when required by the Court. So, prayer that present petition be accepted and the vehicle in question be released on superdari to him.

4. Having considered the submissions made by learned counsel for the petitioner and perusing the record, this Court is of the considered view that both the Courts below have already appreciated this controversy and rightly dismissed the petition for release of vehicle on superdari mainly on the ground that registered owner of vehicle Virender Singh is involved in the main case as accused and arrest warrants has already been issued by the Court of Smt. Tarannum Khan, JMIC, 1st Class, Karnal against him. The above-said vehicle was used in the commission of crime in the main case.

5. In the given circumstances, learned Courts below were completely justified in declining the request for release of vehicle because Virender Singh has been misusing the process of the Court and he had executed power of attorney on 03.06.2015 in favour of the present petitioner. But he himself is abstaining from the proceedings of the Court. There is no reason for release of the vehicle of owner Virender Singh through his power of attorney in this case as they just misusing the process of law.

6. Resultantly, the present petition without any merit and same stands dismissed.

September 03, 2015

(SHEKHER DHAWAN)

Judge