

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13460-2017

Date of decision: 03.11.2017

Kailash Chander Bajaj @ Kailash Chander

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Malik, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting aside the order dated 05.10.2016 passed by the Additional Sessions Judge, Panipat dismissing the application of the petitioner for releasing the motorcycle on superdari, in case FIR No.870 dated 07.07.2016 under Sections 302, 380, 450 of the Indian Penal Code, registered at Police Station City, Panipat.

It is submitted on behalf of the petitioner that the petitioner is registered owner of motorcycle bearing registration No.HR-05G-8108, which was being driven by his son and the same was falsely implicated in the case/FIR. Counsel for the petitioner relied upon **Raghbir Singh @ Beera Vs. State of Punjab, 2006 (4) RCR (Criminal) 343**, wherein this Court has released the car on superdari, considering the fact that no useful purpose will be served if the vehicle in question is allowed to remain in the

police station, as it will ultimately result into a junk. Similar view has been taken by this Court in **Nirmal Singh Vs. State of Punjab, 2007 (1) RCR (Criminal) 986** and **Balbir Singh @ Fauji Vs. State of Punjab, 2010 (1) RCR (Criminal) 908**.

On the other hand, learned State counsel, on instructions from ASI Rajbir Singh, has opposed the prayer made by the petitioner on the ground that since the motorcycle is involved in the FIR, the same should not be released as it is a case property.

Considering the fact that the motorcycle is in possession of the police as a case property and is lying parked in the police station for a considerable long time and in case the same is not used, it will be reduced into junk and will not be of any use in case of acquittal of the accused person.

Accordingly, this petition is allowed. The order dated 05.10.2016 is hereby set aside. The trial Court is directed to release the motorcycle on superdari to the petitioner/registered owner on such terms and conditions, as it may impose for this purpose.

Petition is disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

03.11.2017
vishnu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No