

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

**CRR-4013-2017 (O&M)
Date of decision: 14.11.2017**

Mohamad Salman

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Dhruv Gupta, 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 14.06.2017 passed by the trial Court, dismissing the application filed by the petitioner for releasing the vehicle in dispute on superdari.

Counsel for the petitioner submits that FIR No.411 dated 25.11.2016 under Sections 307/420/506 IPC and Section 13 (1) & 13 (2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 was registered against the petitioner on the basis of some secret information that he along with his co-accused was driving a vehicle loaded with cows from Jakhal towards Uttar Pradesh for the purpose of killing them. It is further submitted that the petitioner is the registered owner of vehicle canter bearing registration No.DL-1M-2968, which was confiscated by the police, while registering the abovesaid FIR No.411. It is also submitted that the said

vehicle is lying parked unused in the premises of the police station since 25.11.2016 and almost a period of one year has lapsed and with the passage of time, the same will be reduced into a junk. Counsel for the petitioner has further submitted that the canter is a commercial vehicle and is the only source of income to the petitioner and on this account, the petitioner is suffering heavy financial loss. Counsel for the petitioner has relied upon an order dated 08.08.2017 passed in **CRM-M-28724-2017 (Harpal Singh Vs. State of Haryana)**, where the following observations have been made: -

*“Learned counsel for the petitioner contends that Amendment of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (hereinafter referred to as “the Act”), is in process and in a similar case, a co-ordinate Bench of this Court by the order dated 16.01.2017 passed in **CRM No. M- 37389 of 2016** titled as “**Isran v. State of Haryana**” had also directed the release of vehicle of the petitioner therein subject to the satisfaction of trial Court.*

*In support of his submissions, he has also placed reliance upon the judgment of Division Bench of this Court in the case of “**Mainpal v. State of Haryana and others**” CWP No.19153 of 2016 decided on 30.05.2017.*

Learned State counsel does not controvert the submissions made by learned counsel for the petitioner and states that the amendment of the Act is under process.

Consequently, the petition is allowed and the impugned orders dated 06.03.2017 (Annexure P-4) and 21.04.2017

(Annexure P-6) are set-aside. The vehicle i.e truck bearing registration No. HR99YV(T)1534 shall be released on superdari subject to the satisfaction of trial Court/Duty Magistrate.”

Similar order has been passed in **CRM-M-3881-2017 (Kulwinder Singh Vs. State of Haryana)**, in which vide order dated 31.05.2017, the vehicle was ordered to be released and in **CRM-M-37389-2016 (Isran Vs. State of Haryana)** vide order dated 16.01.2016, vehicle had been ordered to be released on superdari.

Learned State counsel has not disputed the abovesaid factual position.

In view of the aforesaid submissions made by counsel for the petitioner, this petition is allowed and the impugned order dated 14.06.2017 passed by Additional Sessions Judge, Fatehabad, dismissing the application of the petitioner for releasing the vehicle bearing registration No.DL-1M-2968 in favour of the petitioner-registered owner, is set aside. The canter shall be released on superdari subject to the satisfaction of the trial Court/Duty Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

14.11.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No