

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

CRM-M No.38089 of 2017

Date of Decision: 30.01.2018

Muneer Alam

. . . Petitioner

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Hamid Hussain, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Arvind Singh Sangwan, J. (Oral)

This petition is for setting aside the order dated 19.12.2016 passed by the Addl. Chief Judicial Magistrate, Panchkula as well as the order dated 26.05.2017 passed by the revisional Court, dismissing the application of the petitioner for releasing the vehicle (Pickup) bearing registration No.UP-11-T-6951 on *supurdari*.

Brief facts of the case are that FIR No.190 dated 07.08.2016 was registered under Sections 3, 5, and 13 of the Haryana Gauvansh Sanrakshan and Gauvardhan Act, 2015, Police Station Chandimandir. The vehicle in dispute was found parked at Barwala and 2 cows and a calf were loaded on the same.

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The petitioner being the registered owner, filed the application for releasing the vehicle on *superdari* and the same was declined by the trial Court vide impugned order dated 19.12.2016 on the ground that same is the case property. Against the said order, the petitioner filed revision petition before the Lower Appellate Court, which was also dismissed vide order dated 26.05.2017.

Learned counsel for the petitioner submits that the vehicle in dispute is a Pickup truck and the same is lying parked in Police Station, Chandimandir, Panchkula and a period of more than one year has lapsed and with the passage of time, the same will be reduced into a junk. Learned counsel further submits that Pickup truck is commercial vehicle and it is only the source of income of the petitioner and the petitioner is suffering financial loss on that account. Learned counsel for the petitioner has relied upon the order dated 08.08.2017 passed in CRM-M No.28724 of 2017 titled as Hapal Singh V. 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. M37389 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.**

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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, on instructions from ASI Ram Mehar, has not disputed the abovesaid factual position.

In view of the above, this petition is allowed. The impugned order dated 19.12.2016 passed by the trial Court as well as order dated 26.05.2017 passed by the Revisional Court, dismissing the application of the petitioner for releasing the vehicle bearing registration No.UP-11-T-6951 in favour of the petitioner-registered owner, is set aside. The vehicle in dispute shall be released on *superdari* subject to the satisfaction of the trial Court/Duty Magistrate concerned.

[ARVIND SINGH SANGWAN]
JUDGE

January 30, 2018
Sachin/harish

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No