

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2789 of 2017(O&M)

DATE OF DECISION :- February 09, 2018

Jitender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Tejinder Pal Singh, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Learned counsel for the petitioner states that deposition of the Investigating Officer has been recorded by the trial Court. Petitioner-Jitender, who is the registered owner of motorcycle bearing registration No. HR-06-AF-0875 which had been taken into possession by the police in FIR No.259 dated 08.10.2016 for the offence under Section 302 of the Indian Penal Code at Police Station Israna, District Panipat had filed an application before Additional Sessions Judge, Panipat for release of the Motorcycle on *Superdari*. However, the application was declined by the said Court vide order dated 22.05.2017 for the reason that Motorcycle had been used in commission of the offence and same is the case property.

Feeling aggrieved, the petitioner has challenged the order by way of filing of the instant criminal revision petition. Notice of which was given to the State.

I have heard learned counsel for the parties and perused the paper

book.

During the trial statement of eye witnesses and the Investigating Officer have since been recorded as admitted by learned State counsel on instructions from ASI Ravinder Kumar. The motorcycle in question was produced in the Court while recording the statement of the Investigating Officer. It is stated by learned counsel for the petitioner that adequate arrangements are not there in the premises of the police station for keeping the motorcycle and it is likely to be damaged while being exposed to rain, wind etc. The petitioner states that motorcycle in question be released on *Superdari* to him for safe custody.

After hearing the abovesaid contentions, I am of the view that the motorcycle in question should be released on *Superdari* to the petitioner although subject to certain terms and conditions. Therefore, criminal revision petition is accepted, the impugned order is set aside and the motorcycle in question is ordered to be released on *Superdari* to the petitioner subject to his furnishing surety bonds to the satisfaction of the trial Court on giving undertaking that he would produce the motorcycle on each and every date of hearing and would not change its colour or condition and further he shall not transfer/alterate it till final conclusion of the proceedings as regards the FIR in question.

(H.S. MADAAN)
JUDGE

February 09, 2018

rashmi

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No