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

**CRR No.4080 of 2017 (O&M)
Date of Decision: 14.02.2018**

SUKHWINDER SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. S.S. Antal, Advocate
for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has assailed the order dated 29.09.2017 passed by the Addl. Sessions Judge, Panchkula vide which application for release of Swift car bearing No.PB-65Y-3294 was dismissed.

Learned counsel for the petitioner submitted that petitioner is the registered owner of Swift car bearing registration No.PB-65Y-3294, which was involved in case bearing FIR No.41 dated 08.05.2017 registered under Sections 302/120B IPC and Sections 25/54/59 of the Arms Act at Police Station Mansa Devi Complex, Panchkula.

Learned counsel further submitted that the petitioner is not accused in the said FIR. Petitioner filed the application for release of the aforesaid car on *superdari* and the same was dismissed vide the impugned order dated 29.09.2017 by the Addl. Sessions Judge, Panchkula only on the premise that the concerned SHO of the Police Station has objected to the release of aforesaid car on *superdari* as the car is a case property in the criminal case.

Learned counsel further submitted that since the petitioner is the registered owner of the car, he undertakes to produce the car on each and every date of hearing of the case for which petitioner is ready and willing to file undertaking before the trial Court.

I have heard the submissions made by learned counsel for the parties.

Prayer of the petitioner can be considered as he is the registered owner of the car in question. With the passage of time, the car may have diminishing value in case the same is not released on *superdari*.

Keeping in view the facts and circumstances of the case, I deem it appropriate to set aside the impugned order dated 29.09.2017 passed by the Addl. Sessions Judge, Panchkula and direct the trial Court to release the car in

question on superdari to the petitioner, subject to executing undertaking by the petitioner to the satisfaction of the trial Court.

Petition stands disposed of accordingly.

February 14, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No