

**S.No.123**

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

\*\*\*\*

**CRM-M-18533 of 2019 (O&M)**

**Date of Decision:10.07.2019**

**Darshan Singh**

**.....Petitioner**

**Vs.**

**State of Punjab and another .....Respondents**

**CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present:- Mr. Ravi K. Mattoo, Advocate  
for the petitioner.

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**Rajbir Sehrawat, J.(Oral)**

Challenge in the present petition is to the order dated 26.02.2019 passed by the trial Court, whereby the tractor involved in the crime has been handed over on superdari to the accused, who is the brother of the petitioner and from whom it was recovered by the Police.

While arguing the case, learned counsel for the petitioner submits that since the petitioner is the registered owner, therefore, the tractor should have been given on superdari to him only and not to his brother. The Court below has committed irregularity in law by releasing the tractor to the brother of the petitioner. It is further submitted that assertion of brother of the petitioner; that there had been a family settlement and according to the said family settlement the tractor had come to his share, is factually incorrect. Still further, it is submitted that in case the vehicle is involved in some other crime, then the petitioner would have to bear the consequences being registered owner. Therefore, the tractor in question should be either handed over to the petitioner or it should be kept in possession of the Police.

Having heard learned counsel for the petitioner and perused the case file, this Court does not find any substance in the argument of the learned counsel for the petitioner. Although the Court has taken the prima-facie view on the basis of some records relating to the purchase of the tractor and the family settlement alleged by the brother of the petitioner, however, this is not the ground on the basis of which the tractor has been ordered to be released to the brother of the petitioner. Rather the tractor has been ordered to be released to the brother of the petitioner/ accused on the ground that it was recovered by the Police from his possession only, with a further rider that if there are any civil rights claimed by the respective parties, then the same shall have to be decided by the Civil Court only. Still further consideration; which has weighed with the trial Court is; that if the tractor is kept standing in the Police custody, then it shall turn into a junk. Therefore, no purpose would be served.

However, nowhere in the order of the trial Court, the civil rights of the petitioner, qua the tractor have been curtailed by the trial Court. But he has to avail those civil rights strictly in accordance with law. The criminal proceedings cannot be utilised for either claiming or for getting adjudicated the civil rights between the parties.

In view of the above, this Court does not find any illegality or perversity in the order passed by the trial Court. Hence, the present petition is dismissed.

**July 10, 2019**  
**renu**

**( RAJBIR SEHRAWAT )**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |