

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

CRR No.3405 of 2018 (O&M)
Date of decision: 11.03.2019

Jai Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Parveen Kaushik, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

CRM No.36024 of 2018

Prayer in this application is for condoning delay of 100 days in filing the revision petition.

Heard.

In view of averments made in the application, the same is allowed and delay of 100 days in filing the revision petition stands condoned.

CRR No.3405 of 2018

Prayer in this revision petition is for setting-aside the order dated 09.05.2018 passed by the trial Court vide which the application filed by the petitioner for releasing the car bearing registration No.HR-63C-2229 make Maruti Wagon-R, was declined.

Brief facts of the case are that the FIR was registered on the complaint of one Anil Kumar with the allegations that on

11.09.2016, he had started traveling from Delhi to Sonapat on a truck carrying a container and at about 02:30 am in the night, 04 persons intercepted his vehicle and dragged him out and took away certain articles and money from him.

Thereafter, FIR No.557 dated 11.09.2016 under Sections 365, 395, 341, 34 of the Indian Penal Code (in short 'IPC') was registered at Police Station Samalkha, District Panipat and the police during the investigation, arrested the petitioner, who is a registered owner of the aforesaid Wagon-R and has taken into possession the vehicle.

Counsel for the petitioner has submitted that the case is at the stage of recording the evidence of prosecution witnesses and the main witnesses have already been examined and the vehicle is lying parked in the custody of Police Station and with the passage of time, it will ultimately reduce into a junk and will not be usable at a later stage.

Counsel for the State, on instructions from ASI Anil Kumar has opposed the submissions made by counsel for the petitioner on the ground that since the car, in question, is the case property, the same should not be released as it may be required for production before the trial Court at a later stage.

After hearing the counsel for the parties, I find merit in the present revision petition, considering the fact that the car was in possession of the police as a case property and is lying parked in the Police Station for a considerable long time and also considering the fact that as per the recovery memo dated 02.10.2016, the car was taken into possession by the police and a period of more than 2½ years has already

passed and if the same is not released on superdari, it will virtually reduced into a junk and it will not be of any use in case, of acquittal of the accused persons and also in view of the judgment “*Raghbir Singh @ Beera vs State of Punjab*”, 2006(4) RCR (Criminal) 343, wherein this Court has released the car on superdari, considering the fact that no useful purpose will be served if the vehicle in question is allowed to remain in the police station as it will ultimately result into a junk. Similar view has been taken by this Court in “*Nirmal Singh vs State of Punjab*”, 2007(1) RCR (Criminal) 986 and “*Balbir Singh @ Fauji vs State of Punjab*”, 2010(1) RCR (Criminal) 908, this revision petition is allowed and the order dated 09.05.2018 declining the release of the car in question, on superdari is set-aside and the trial Court is directed to release the car bearing registration No.HRHR-63C-2229 on superdari to the petitioner/registered owner, on such terms and conditions, as it may impose for that purpose. The petitioner will also furnish an undertaking before the trial Court that he will not dispose of the case property till the decision of the case and will produce the car as and when required by the trial Court and will not raise any objection regarding the identity of the same, if on a given date, when the PWs are examined and the car is not produced before the trial Court.

Disposed of accordingly.

11.03.2019
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(ARVIND SINGH SANGWAN)
JUDGE

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