

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

**CRM-M-16106-2020
Date of decision: 05.08.2020**

Mandeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Pooja Dhingra, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the impugned order dated 05.11.2019 passed by the trial Court, vide which the application filed by the petitioner for the release of car bearing registration No. HR-99 (Temp) SJ-8993, make Vokswagen Vento, on *Superdari* has been dismissed.

Learned counsel for the petitioner submits that since the date of the registration of the FIR, i.e. 27.10.2016, the aforesaid car, which in fact a new car having a temporary number, is lying parked in an open space in the premises of the Police Station Assandh, Karnal and a period of almost three and a half year has lapsed and because of the non-use of the car, the same will reduce into junk with the passage of time.

Learned counsel for the petitioner further submits that the petitioner is the registered owner of the aforesaid car and the only reason given by the trial Court for not releasing the same on *Superdari* is that since

in CRR-1427-2019, the proceedings before the trial Court has been stayed.

A perusal of the records and zimini orders of CRR-1427-2019 shows that complainant Swati Kataria has filed the said petition challenging the order passed by the trial Court, vide which her application filed under Section 319 Cr.P.C. to summon some additional accused was dismissed.

Learned counsel for the petitioner further submits that since the release of the said car on *Superdari* will not affect the right of the complainant in the said petition as the same is to be decided on its merit, the car may be released in favour of the petitioner/registered owner.

Learned counsel for the petitioner has relied upon ***Sunderbhai Ambalal Desai v. State of Gujarat, AIR 2003 Supreme Court 638*** as well as ***General Insurance Council & Ors. vs. State of Andhra Pradesh, 2007 (4) RCR (Civil) 54***, wherein Hon'ble Supreme Court has given guidelines with regard to release of the valuable properties on *Superdari* in favour of the owner after preparing a detailed memorandum and taking photographs of such items which are to be released on *Superdari* and against a valid security.

Learned State counsel could not dispute the factual position.

After hearing learned counsel for the parties, considering the fact that the car in dispute is a new vehicle bearing temporary registration number and for the last three and a half year, lying in an open area, the same is exposed to sun and rain due to which, its tyres, engine, body etc. may wear out with the passage of time and also in view of the judgments in ***Sunderbhai's*** case (supra) and ***General Insurance Council's*** case (supra), the present petition is allowed.

The trial Court is directed to release the car in question in favour of its registered owner, subject to furnishing of adequate surety to its satisfaction.

05.08.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No