

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

Sr. No.220

**Criminal Revision No.1126 of 2020
DATE OF DECISION: 13.10.2020**

BALWAN SINGH

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Manoj Tanwar, Advocate, for the petitioner.
Mr. Munish Sharma, AAG, Haryana.

SUDHIR MITTAL, J. (ORAL)

Through this petition, the petitioner seeks setting aside order of dated 05.06.2020 passed by the learned Additional Sessions Judge, Charkhi Dadri, whereby he has refused to release the vehicle of the petitioner on superdari. FIR came to be registered on 23.11.2019 in respect of an incident which took place on the night intervening 22.11.2019 and 23.11.2019. Barat on account of a marriage being held in the family of the complainant went to Village Govindpura. Music was playing from a vehicle in which DJ equipments had been installed. An altercation took place between DJ and one of the baratis. Later on, the DJ came along with his accomplices and beat the said barati and killed him by running over the vehicle in which the DJ equipments had been installed.

The petitioner is the registered owner of the aforementioned vehicle and he submits that the investigation in the case is complete. Challan has already been presented and the vehicle has already been

Criminal Revision No.1126 of 2020

subjected to mechanical examination. Mechanical report is a part of the challan. The petitioner needs the vehicle to earn his bread and butter and undertakes to produce the same any time the same is required by the police or the Court. Thus, the vehicle may be released on superdari. The learned Additional Sessions Judge, Charkhi Dadri has erred in law in rejecting his prayer on the ground that tampering with the case property cannot be ruled out.

Learned State counsel on instructions from ASI Raj Kumar concedes that the challan has already been presented and that the mechanical report is a part thereof. He, however, submits that the conditions be imposed for production of the vehicle as and when required.

Since the mechanical report of the vehicle is part of the challan and relevant evidence relating thereto is already on record, no useful purpose would be served by keeping it in police custody and subjecting it to deterioration. It is not disputed that the petitioner is the registered owner of the vehicle. Thus, I deem it appropriate to allow this petition. Order dated 05.06.2020 is set aside and trial court is directed to release the vehicle on superdari on furnishing superdarinama and subject to the petitioner filing an undertaking before the trial Court that he shall produce the same as and when required and that he shall not carry out any changes therein.

13.10.2020

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No