

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207 - CRM-M-21862-2020 (O&M)

Date of Decision: 09.10.2020

Saroj

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Aditya Sanghi, Advocate for the petitioner

Mr. Rajiv Goel, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Saroj w/o Ravinder @ Lila Ram aged 30 years has filed the present petition *inter alia* with a prayer seeking to set aside the order dated 08.07.2020 (P1) passed by Id. Additional Sessions Judge, Narnaul as well as the order dated 11.06.2020 (P2) passed by the CJM, Narnaul. The petitioner is aggrieved against rejection of her prayer for release of Mahindra and Mahindra Pick Up vehicle, on *sapurdari*.

Learned counsel makes reference to the order dated 11.06.2020 passed by the Chief Judicial Magistrate Narnaul. In this order, reference has been made to the report of SHO concerned. It is recorded in the order that police has no objection to release the above stated vehicle on *sapurdari* in favour of its registered owner. The issue as to if the offence would fall under the major offence or minor offence is a matter of trial and therefore the vehicle deserves to be released on *sapurdari* at this stage. Learned counsel the makes reference to para 7 of preliminary submission of the reply filed by

Sh. Angrej Singh HPS Deputy Superintendent of Police (HQ), Narnaul,
District Mahendergarh which is reproduced as under:-

“That it is most respectfully submitted that on the basis of the investigation it can safely concluded that vehicle in question is liable to be confiscated as per newly added section 72-F of the Excise Act. As such, the question arises how the vehicle in question is to be disposed off. Since the case in hand is triable by the court, the issue of confiscation will also be dealt with by the same court as per section 78 of the Excise Act and this issue can be dealt with by the concerned court even before the decision of the main case in view of the special provision of section 72 (F) and 78 of the Excise Act. Hence there is no miscarriage of justice and hence the present petition is liable to be dismissed on this score alone.”

In view of the above, the present petition is disposed of with a direction to the trial Court to decide the issue raise (in para 7 above i.e. the issue of confiscation) within 3 months from today.

The petition stands disposed of accordingly.

09.10.2020

vishal shonkar

1. Whether speaking/reasoned?
2. Whether reportable?

(Girish Agnihotri)
Judge

Yes/No
Yes/No