

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.34639 of 2019 in/and
CRM-M No.38435 of 2019(O&M)
Date of Decision: 15.01.2020

Ram Niwas

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Anil Kumar Malik, Advocate
for the petitioner.

Mr. P.K. Jhanda, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

CRM No.34639 of 2019

This is an application for early hearing of the case.

For the reasons mentioned in the application, the same
is allowed.

With the concurrence of the parties, the main case is
preponed for today.

CRM-M No.38435 of 2019

[1]. Petitioner has preferred this petition for quashing of

order dated 14.08.2019 passed by Additional Sessions Judge, Sonipat, vide which prayer for release of vehicle on *superdari* was declined.

[2]. Vehicle No.HR-67B-4985 is registered in the name of Krishan son of Sube Singh who is already in custody in a criminal case. Owing to the aforesaid disability, he has already executed special power of attorney in favour of the petitioner on 26.07.2019.

[3]. It is not in dispute that two vehicles were involved in FIR No.114 dated 27.04.2019 registered under Sections 302, 148, 149, 324,506,120-B IPC at Police Station Gohana Sadar, District Sonipat. Second vehicle has already been released on *superdari*.

[4]. Learned counsel for the petitioner states that the vehicle is sought to be released on *superdari* only for the purposes of preserving the vehicle and preventing the vehicle from rust and other damages. The release of vehicle on *superdari* is being sought on behalf of true owner through special power of attorney for the said purpose. Petitioner undertakes to produce the vehicle in the Court or before any other authority as and when called upon to do so.

[5]. Learned State counsel on instructions from ASI Hari Om states that the challan has already been presented and the

vehicle in question is no more required for further investigation of the case.

[6]. Since the vehicle is in custody, therefore, as per observations made in **Sunderbhai Ambalal Desai Vs. State of Gujarat, 2003(1) RCR (Criminal) 380** and **Raghubir Singh @ Beera Vs. State of Punjab, 2006(4) RCR (Criminal) 343**, the vehicle in question can be released on *superdari* in favour of the registered owner through his special power of attorney i.e. petitioner on furnishing personal bonds/surety bonds/*superdarinama* to the satisfaction of the trial Court. Impugned order is hereby quashed.

[7]. This petition is allowed in the aforesaid terms.

15.01.2020

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking Yes/No

Whether reportable Yes/No