

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 129 of 2021 (O&M)

Date of decision : 12.2.2021

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Darshan Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Amit Goyal, Advocate
for the petitioner.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

Feeling aggrieved by order dated 3.2.2020, passed by Additional Sessions Judge, Sirsa, in case FIR No. 182, dated 22.7.2019, for offence under Sections 363, 366-A, 376, 511, 365, 506, 34 IPC and Section 4, 18 of POCSO Act, registered at Police Station Ellenabad, Sirsa, vide which on an application filed by the petitioner, for release of car Alto Model 2016 bearing registration No. DL-7CD-9905, which had been taken into possession in the case, the car in question was ordered to be released to its registered owner Pardeep Kumar son of Mahesh Pal, petitioner- Darshan Singh

has brought the instant criminal revision petition praying that the order be modified and the car in question be directed to be released to him on Superdari.

I have heard learned counsel for the revisionist, besides going through the record.

Admittedly, the car in question is shown to be owned by Pardeep Kumar son of Mahesh Pal, in the registration certificate. Although the petitioner claims that he had purchased the car from Pardeep Kumar, registered owner, who had furnished an affidavit in that regard in his favour on 18.6.2019, copy of which being Exhibit P-1 and therefore, the car should have been released to him. But then the present petitioner had not got his name entered in the registration certificate so far, as such he cannot be taken to be registered owner of the car.

At this stage, it cannot be said as to whether the registered owner had actually sold car to the present petitioner, as claimed by him. In terms of Section 451 Cr.P.C., the Court may make any order as it thinks fit for proper custody of case property pending conclusion of enquiry or trial.

The trial Court in its wisdom found it proper and appropriate to hand over the custody of the car to its registered owner vide impugned order. Such order is quite detailed and well reasoned. It does not suffer from any illegality or infirmity, much less the same being arbitrary or perverse. The Court in question appears to have exercised its discretion in a judicious manner.

Counsel for the revisionist had referred to judgments ***Jarnail***

Singh vs. Gurdev Singh 1995 (2) RCR (Criminal) 267 and *Sarwan Ram vs. State of Punjab and another 1988 (1) RCR (Criminal) 347,*

but those are not applicable due to different facts and circumstances and the context, in which such observations had been made.

I do not find any reason to interfere with the impugned order by exercising revisional jurisdiction.

The criminal revision petition is found to be without any merit and the same stands dismissed accordingly.

12.2.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No