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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-16733-2021
Date of Decision: 30.07.2021

Pawan

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Nischal Mann, Advocate for the petitioner.

Ms. Dimple Jain, Assistant Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] Aggrieved of rejection of application for release of 2860 litres of diesel on *superdari* and dismissal of revision, the present petition is filed.

[3] The police received an information regarding storage of large quantity of diesel and petrol by Pawan (petitioner). On conducting raid, the petitioner was found in possession of 2860 litres of diesel, 550 litres of petrol, 47 bottles, 35 halves and 149 nips of country liquor without any permit and the case was registered.

[4] During the pendency of trial, an application was moved by the petitioner for release of 2860 litres of diesel on *superdari*.

Application was opposed on the ground that in case of release of diesel, the same shall be sold and will not be produced in the Court at time of evidence. The application was dismissed on 11th September, 2020. Aggrieved of the order, revision was preferred, same was dismissed on 15th October, 2020, hence the present petition.

[5] Mr. Nischal Mann, learned counsel for the petitioner submits that the petitioner is ready to furnish a surety before the trial Court of the amount equivalent to the price of diesel and the diesel be released.

[6] On 15th July, 2021, this Court considered that nature of the seized product being inflammable, having natural property to evaporate, otherwise also it would not be safe to keep the product in *Malkhana* for a long time, observed that it would be better that a laboratory test report be obtained of product, thereafter, it be measured and released. The contention that petitioner is ready to furnish surety of the amount equivalent to the price of the diesel with the trial Court was noted. Ms. Dimple Jain, Assistant Advocate General, Haryana sought time.

[7] Today, though the prayer for release of diesel is opposed, however, no reasonable objection is put forth.

[8] Learned counsel for the petitioner submits that petitioner is ready to furnish a bank draft before the trial Court of an amount equivalent to the price of diesel.

[9] No useful purpose would be served by keeping the diesel in

Malkhana pending the trial. The allegations against the petitioner is of violation of Sections 7 and 8 of the Petroleum Act, 1934 as there was storage of diesel in excess of 2500 litres without licence. The product seized is inflammable and has property of evaporation. It would be suffice if lab report is taken as to nature of the product, if not already taken. The product be measured in presence of the petitioner and his counter-signatures be obtained as a token of his acceptance to the measurement and thereafter product be released.

[10] The petitioner shall deposit a Demand Draft equivalent to the price of diesel with the trial Court. The trial Court shall keep the amount in an F.D.R. in a nationalized bank subject to outcome of the trial.

[11] The petition is disposed of.

[AVNEESH JHINGAN]
JUDGE

30th July, 2021

pankaj baweja

1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes