

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

CRM-M-37749-2020
Date of Decision:-18.2.2021

Vishal Gulia

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Bhupinder Gupta, Advocate for
the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana
assisted by SI Rishi Pal.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Prayer is for issuance of appropriate direction to the police
authorities to release car make Hyundai Santro bearing registration No.HR-
26AQ-1900, which was impounded by the police in criminal case having
FIR No.119 dated 9.6.2020 registered under Sections 279, 336, 188 IPC and
Section 51(1)(b) of Disaster Management Act, 2005 at Police Station
Sushantlok, District Gurugram.

On notice of motion, the State counsel appeared and filed reply by way of affidavit of Ms. Usha, HPS, Assistant Commissioner of Police, Headquarters, Gurugram on behalf of the respondent.

I have heard the counsel for the parties and gone through the record of this case.

As per the registration certificate, the aforesaid car which is of 2007 model was registered in the name of Rajesh Kumar father of the petitioner. As per the allegations in the FIR (Anneuxre P-1), on 9.6.2020 the petitioner was driving the aforesaid Hyundai Santro car and three other persons were traveling with him in the said car and none of them was wearing mask. They did not stop their car when signal was given to them by the police to do so. The police officials chased and intercepted the said car and the same was taken into its custody by the police.

The petitioner moved application before the Duty Magistrate seeking release of his car on Superdari but the same was declined vide order dated 15.7.2020 (Annexure P-3) on the ground that as per Section 71 of the Disaster Management Act, 2005, the jurisdiction lies only with Supreme Court or High Court.

The factum regarding seizure of the aforesaid car has not been denied by the respondent in its reply. Admittedly, the said car is in the custody of the police for the last more than 7 months and is not required by the police any more. This Court is of the view that no purpose is going to be served by keeping the said car in the police custody for any longer period.

There is no dispute regarding the fact that the car in question was registered in the name of the father of the petitioner at the time of the registration of the FIR.

In the light of the aforesaid, this petition is allowed and the concerned police authorities are directed to release the Hyundai Santro car No.HR-26AQ-1900 on Superdari to its registered owner subject to his furnishing superdari bonds to the satisfaction of the Illaqua Magistrate/Duty Magistrate, Gurugram with further direction to its owner not to dispose of the vehicle in any manner without prior permission of the trial Court and to produce the same in the concerned Court as and when directed to do so till the conclusion of the trial.

18.2.2021
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No