

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

227

CRM-M-38562-2020

Date of decision : 17.02.2021.

Raj Kumar

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Ms. Pushpinder Kaur Minhas, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

Heard through video conferencing.

The petitioner is seeking release of auto rickshaw bearing No. HR39B-6237, chassis No. MCCKRTH-10KP0002385.

Learned counsel for the petitioner contends that the petitioner preferred an application before the trial Court for release of his vehicle but the same has been dismissed by the Chief Judicial Magistrate, Kaithal on 01.08.2020 (Annexure P-2). She further contends that the son of the petitioner is an accused in FIR No.283 dated 18.07.2020, registered under Section 61(1) of the Punjab Excise Act, 1914 at Police Station Kaithal City, District Kaithal wherein 5 ¼ bottles of liquor are alleged to have been recovered from the back seat of the vehicle which is a three wheeler auto-rickshaw. The trial is underway and the condition of the vehicle which is lying in the police station is deteriorating. The petitioner is the registered owner of the vehicle and the vehicle is not involved in any other case under the Excise Act. The petitioner is a poor person and the three wheeler auto-rickshaw is his only means of livelihood.

Learned State counsel has filed reply by way of an affidavit dated 14.12.2020 of Deputy Superintendent of Police(Headquarters), Kaithal.

Heard through video conferencing.

The petitioner is stated to be a poor person and the vehicle in question is the only source of his livelihood. The condition of the three wheeler auto-rickshaw will deteriorate if it remains in the police possession. It would, thus, be in the interest of justice if the vehicle be released to the petitioner on *superdari*.

Consequently, the petition is allowed and the order dated 01.08.2020 (Annexure P-2) is set aside. The auto-rickshaw bearing No. HR39B-6237, chassis No.MCCKRTH10KP0002385 shall be released to the petitioner on *superdari* subject to his furnishing *superdarinama* to the satisfaction of the trial Court/Duty Magistrate.

(ANUPINDER SINGH GREWAL)
JUDGE

February 17, 2021
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No