

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

CRM-M-44134 of 2020

Date of Decision: 05.01.2021

Rinku

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Jamshed Ahmed, Advocate
 for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

SANT PARKASH, J. (ORAL)

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

The instant petition has been filed seeking quashing of the order dated 03.12.2020 passed by learned Additional Sessions Judge, Rewari, order dated 30.09.2020 passed by learned Deputy Commissioner, Rewari and order dated 23.06.2020 passed by Sub Divisional Magistrate, Rewari in FIR No. 10 dated 09.01.2020 registered under Section 13(2) of Haryana Gauvansh Sarankshan and Gausamvardhan Act, 2015 at P.S.Kasola, District Rewari, whereby application for releasing the Pick Up vehicle bearing registration No. RJ-32GB-7221 on superdari to petitioner being registered owner has been dismissed.

The facts of the case are that the vehicle in question owned by the petitioner has been allegedly involved in the above said FIR. The vehicle in question has been taken into possession by the police and the same is lying in Police Station Kasola for more than 11 month.

Initiating the arguments, learned counsel for the petitioner pointed out that orders passed by the Courts below are not sustainable in the

eyes of law. The only provision for the confiscation of the vehicle is provided under Section 17 of the Haryana Gauvansh Sarankshan and Gausamvardhan Act, 2015 and the same is under challenge before the Hon'ble High Court by way of CWP No. 19153 of 2016 titled as Manipal Vs. State of Haryana and others at this stage. Further elaborating his arguments, he contended that the confiscation of the vehicle would certainly result into extensive damage to the vehicle and it will be rendered useless.

While opposing the contention, learned State counsel has pleaded that as per Section 17 of Haryana Gauvansh Sarankshan and Gausamvardhan Act, 2015, the vehicle can not be permitted to be given on superdari. However, he fairly conceded that the writ petition challenging the vires of Section 17 of Haryana Gauvansh Sarankshan and Gausamvardhan Act, 2015 is pending before the Hon'ble High Court and the Government is seriously considering for carrying out an amendment in Section 17 of the said Act.

Heard.

Without commenting upon the merits of the case and taking into consideration the totality of the circumstances detailed above, the vehicle bearing registration No. RJ-32GB-7221 is ordered to be released on usual terms of superdari to the registered owner subject to the satisfaction of the concerned Illaqa/Duty Magistrate.

**(SANT PARKASH)
JUDGE**

05.01.2021
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No