

CRM-M-6531-2022

Date of Decision: 25.02.2022

Sushil Chauhan

..... Petitioner

*Versus*

State of Haryana and another

..... Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present:- Mr. Arjun Dhingra, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

(Through video conferencing)

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**ANOOP CHITKARA, J. (Oral)**

This is a petition filed under Section 482 of Cr.P.C. for quashing/setting aside the impugned order dated 14.01.2022 passed by the learned Additional Sessions Judge, Faridabad (Annexure P4), vide which the application filed by the petitioner for modification of order was dismissed and for setting aside the order dated 07.01.2022, vide which the vehicle of the petitioner was ordered to be released on deposit of penalty, to be assessed by the authorities concerned.

Vide order dated 07.01.2022, learned Additional Sessions Judge, Faridabad directed the release of the vehicle bearing registration No. HR-55S-6981, subject to undertaking of the petitioner and subject to deposit of penalty amount, may be under protest, to the authorities, to be assessed.

In ***Darshan Singh Vs. State of Punjab*** CWP-24941-2019 etc. decided on 28.01.2020, a Division Bench of this Court passed the following order:-

*“6. In the circumstances, we deem it appropriate to order the release of the vehicles on Sapurdari on the condition that the petitioners shall deposit 20% of the assessed amount in cash and give security for the remaining amount along with the other conditions which may have been imposed by the Court to the satisfaction of the Trial Court.*

*7. In view of the stand of the State it is clear that no useful purpose would be served by keeping these petitions pending. Consequently, the same are disposed of as having been rendered infructuous.”*

Given above, the amount to be assessed by the authorities would be 20% in the light of the judgment cited above. The remaining part of the order shall remain as it.

It is clarified that since the State did not challenge the order passed by the learned Additional Sessions Judge, Faridabad, whereby the application of the owner of vehicle was partly allowed and the vehicle was ordered to be released on superdari, as such, in case if the State besides challenge such order then the order passed today by this Court shall not come in the way while deciding the matter because there is no adjudication on merits, at this stage.

**Petition allowed in aforesaid terms.** All pending applications, if any, stand disposed.

**(ANOOP CHITKARA)**  
**JUDGE**

**25.02.2022**  
*Jyoti-II*

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |