

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

Sr. No.114

CRM-M-7429 of 2022

Date of Decision: 22.02.2022

Gurpreet Singh @ gulab

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Anshumaan Dalal, Advocate
for the petitioner.

SANT PARKASH, J. (ORAL)

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of order dated 13.12.2021 (Annexure P-6) passed by learned Additional Sessions Judge, Kaithal, whereby the revision filed by the petitioner against the order dated 18.08.2021 (Annexure P-2) passed by learned CJM, Kaithal, was dismissed.

It is submitted that the petitioner filed an application before the Court of learned CJM, Kaithal, for the purpose of release of the car bearing registration No.HR-20AB-5159 (Maruti Alto) on superdari, which was taken into police possession on the ground that the said vehicle was used for carrying illicit liquor. The said application filed by the petitioner was dismissed vide order dated 18.08.2021 (Annexure P-2). Aggrieved against the said order, the petitioner moved a revision petition before learned Sessions Court, which was also dismissed vide order dated 13.12.2021 (Annexure P-6). Now, the petitioner has come up before this Court seeking quashing of the impugned order dated 13.12.2021 passed by learned Additional Sessions Judge, Kaithal.

It is contended that the vehicle in question is no longer required by the police as the challan already stands presented in the present case and therefore, no useful purpose would be served by keeping the vehicle in police custody as the same would turn into junk. It is further contended that learned trial Court while dismissing the application of the petitioner for release of the vehicle on superdari vide order dated 18.08.2021, did not take into consideration the fact that no condition can be imposed in any superdari order and hence, the order dated 31.03.2021 is not sustainable in the eyes of law.

Heard.

On consideration of the submissions made by learned counsel for the petitioner and after having gone through the material on record, this Court is of the considered view that the impugned order does not suffer from any illegality and the instant petition is liable to be dismissed.

On perusal of the file, it is clear that the vehicle in question was earlier also involved in another FIR No.143 dated 13.04.2020, registered under Sections 186, 188, 279, 336, 353, 120-B IPC and Section 3 PDP Act and Excise Act, 1914 at Police Station City Kaithal. In the said FIR, the vehicle in question, was released on superdari vide order dated 31.03.2021 passed by learned CJM, Kaithal with the condition that the vehicle in question shall not be used for commission of any other offence and in case of breach of condition, the superdari order shall be liable to be cancelled. The learned Sessions Judge while passing the impugned order, rightly took notice of the order dated 31.03.2021 and observed that the said order has attained finality and the same has not been challenged till now. Learned Sessions Court further

observed that since the said vehicle was again involved in another similar offence and an FIR No.373 dated 09.07.2021 was got registered against under Sections 61-1-14 of the Punjab Excise Act, 1914, hence, the application filed by the petitioner before learned trial Court, for the release of the said vehicle on superdari was rightly dismissed.

Further corroborating the impugned order passed by learned Sessions Court, it is appropriate and pertinent to refer to the relevant statutory provision. Section 72F of the Punjab Excise Act, 1914 provides that where intoxicant, apparatus, vehicle or other material is seized, involved in any major offence under the said Act, the same shall not be released but shall be disposed of in such manner, as may be prescribed and as per the provisions of this Section also, the vehicle in question is not entitled to be released on superdari.

Keeping in view the aforesaid facts and also considering that the vehicle in question has been misused on earlier occasions also for the similar offence, there is every possibility that if the said vehicle is released on superdari, the same shall again be used in commission of similar offences. Therefore, no ground is made out for quashing the impugned order dated 13.12.2021 passed by learned Additional Sessions Judge, Kaithal and the same is upheld by this Court.

Accordingly, the present petition seeking quashing of the impugned order, is hereby, dismissed.

**(SANT PARKASH)
JUDGE**

22.02.2022
Maninder

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