

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARHCRM-M-12527-2022
Reserved on: 02.09.2022
Decided on: 20.09.2022

Rukdeen

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Azad Khan, Advocate for the complainant.

ANOOP CHITKARA J.

Aggrieved by the release of Vehicle bearing number HR-74A-9267 to Sabir Khan-respondent No.2, the petitioner has come up before this Court claiming to be the real owner of the said vehicle.

2. Vide judgment dated 03.03.2022, the learned Additional Sessions Judge, Nuh, had allowed the Criminal Revision filed by respondent No.2 and had directed the release of truck Tata LPT 2518 bearing registration No.HR-74A-9267 because the revisionist before the Sessions Court was a sole claimant of the said vehicle.

3. In support of claim, the petitioner has referred to various annexures including certificate of registration (P-1) and State Transport Department receipt (P-2).

4. A prima facie perusal of these documents would make out a case in favour of the petitioner for consideration before ordering release of the vehicle to respondent No.2-Sabir Khan.

5. Given above, the impugned order dated 03.03.2022, passed by the learned Additional Sessions Judge, Nuh, is quashed and set aside. The matter is remanded back to the concerned Sessions Court and the said Court shall provide an opportunity of fair hearing to the petitioner-Rukdeen. In case, learned Sessions Court find it appropriate then he may further remand the matter to the concerned Judicial Magistrate.

6. Petition is partly allowed to the extent mentioned above. Pending applications, if any, stand disposed of.

There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Convict can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

(ANOOP CHITKARA)
JUDGE

20.09.2022
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.