

**Jagtar Singh
VS
State of Haryana**

Present:- Mr. R.K Agnihotri, Advocate for the petitioner.
Ms. Harpreet Kaur, AAG, Haryana.

The present petition has been filed by the petitioner seeking quashing of order dated 26.06.2020, Annexure P-3, passed by JMIC, Kurukshetra and order dated 24.08.2020 passed by the court of Additional Sessions Judge, Kurukshetra, whereby both the said courts declined to release car Honda Amaze bearing registration No.HR-AF-5127 on superdari to the petitioner.

Both the courts below while passing the impugned orders, observed that the vehicle in question could not be released on superdari as per the provisions of Section 72-F of the amended Punjab Excise Act as applicable to State of Haryana.

The State counsel apprised the Court that aforesaid provision of Section 72-F of the amended Punjab Excise Act, has been declared ultra vires by the Division Bench of this Court in CWP-18556 of 2020, Sherbaj Vs. State of Haryana and others decided on 16.07.2021.

In view of the above, the present petition is allowed and the impugned judgments dated 26.06.2020, Annexure P-3 and

24.08.2020, Annexure P-4, are set aside and the matter is now remanded back to the Court of JMIC, Kurukshetra to pass a fresh order in accordance with law, while taking into consideration Sherbaj's case (supra), within two months of the receipt of copy of this order.

Disposed of accordingly, so also the pending miscellaneous applications(s) pending, if any.

24.05.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE