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

CRM-M-32482-2022

Date of decision: 27.07.2022

GURMUKH SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. B.S. Randhawa, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. Alto Car bearing registration No. PB-1-CH-4550, is the crime car, in FIR No.144 of 02.10.2020, registered at Police Station Kiratpur Sahib, District Rupnagar, wherein offences constituted under Sections 302, 341, 201 of IPC, are embodied.

2. The present petitioner is not an accused in the petition FIR, but is the registered owner of the above referred vehicle, which was however used in the commission of the petition crime, by his brother in law.

3. Though, the petition vehicle becomes the crime car, and, also is an incriminatory piece of evidence rather connecting the arrivals therein, at the crime site, of the brother in law, of the petitioner, but since the present petitioner is not an accused in the FIR, and, rather is the registered owner of the crime car. Therefore, the release on superdari, to him of the crime car, cannot be denied merely for the reason that, it is case property, and, it is to be produced in Court.

The production in Court of vehicles carrying therein illicit liquor or the crime car, as, is in the instant case, does not normally become strictly insisted, upon,

by the learned trial Judge concerned, qua its becoming produced before him, as never it happens, that the vehicle enters the Court room concerned, for thereons, during the course of the investigating officer concerned, stepping into the witness box, rather any exhibition mark being embossed thereons. The very purpose of releasing of vehicles to the registered owner on superdari, and, even if is a crime vehicle, is, subject to certain conditions, and, obviously does not result in the disappearance of the crime car, rather precludes its disappearance. However, its release on superdari to the registered owner, during pendency of trial, rather also saves it, from its deteriorating, in the compound of the police station concerned.

4. Moreover, uptill a conclusive verdict is made, upon the FIR concerned, hence involving any crime vehicle, its releasing on superdari, to the registered owner remains intact, and/or, the registered owner becomes entrusted with possession thereof, and, it continues to yet become the case property, and, only upon the completest termination of the trial, hence resulting in a conclusive verdict of acquittal becoming pronounced, it ceases to be case property, and, also the factum of entrustment thereof to the registered owner concerned, also then become completely released. However, upon a conclusive verdict of conviction becoming rendered, upon, the FIR, thereupon the release on superdari of the crime vehicle, to the registered owner, becomes extinguished, and/or, the registered owner, makes it subject or amenable for a lawful order qua its confiscation being made, for thereafter its being sold in a public auction.

5. Therefore, the above reason as meted in the impugned order, is completely arbitrary, and, unjust, and, also is completely outside the domain relating to an adjudication to be made, on an application, cast under Section 451 of Cr.P.C.

6. In consequence the instant petition is allowed. The impugned order is quashed, and, set aside.

7. The SHO of the police station concerned, is directed to release on superdari the crime vehicle to the registered owner, who is the present petitioner, but subject to his furnishing personal, and, surety bonds in a sum of Rs.50,000/-, each to the satisfaction of the Station House Officer, and, with a further undertaking that as, and, when required he shall ensure that, he restores the car to the possession of the SHO concerned. Moreover, with a further condition that he shall not alienate it nor shall cause any alteration in its colour or registration plate.

27.07.2022

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(SURESHWAR THAKUR)
JUDGE

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