

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45021-2019

Date of decision : March 10, 2022

Rahul Choudhary

....Petitioner

Versus

U.T., Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Nalwa, Advocate
for the petitioner.

Mr. Yashwant Singh Rathore, APP,
for U.T., Chandigarh.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for modifying the order dated 12.6.2019 passed by the trial Court allowing the application for releasing the car bearing registration No.CH-01-AM-1394 make BMW 730LD by imposing stringent conditions and also for setting aside the order dated 20.9.2019 vide which the revision petition filed by the petitioner was dismissed.

Counsel for the petitioner submits that a condition has been laid by the trial Court that the petitioner will furnish *superdari* bonds in the sum of Rs.25 lacs (Rs. Twenty Five lacs) with one surety of the like amount with the condition that the *superdar* will not alienate the aforesaid vehicle without prior permission of the Court and will not change the nature, colour of the said vehicle and will produce the same on each and every date of hearing.

Counsel for the petitioner further submits that the car in question was purchased by the petitioner-Rahul Choudhary in the year 2009 for a sum of Rs.11 Lacs and, therefore, the value of the car in 2019 was not more than Rs.3 lacs and, therefore, the trial Court has passed the impugned order putting a stringent condition of furnishing *superdari* bonds to the tune of Rs.25 lacs. Counsel for the petitioner also prayed for setting aside the order dated 20.9.2019 passed by the revisional Court vide which the revision filed by the petitioner was dismissed, being not maintainable.

Counsel for the petitioner has referred to the status report filed by the police before the Judicial Magistrate when the application for *superdari* was filed, wherein it is stated that during investigation it was found that petitioner-Rahul Choudhary made a payment of Rs.11 lacs for the car whereas the car was transferred in the name of one Rattan Deep Singh Grover and, in fact, the original owner Jaskaran Singh Banga has sold the car to one Manoj Kumar, who sold it to Hemant Puri @ Vicky, a car dealer, sold it to the petitioner in Delhi. Counsel for the petitioner has further submitted that now during pendency of the present petition, petitioner-Rahul Choudhary died on 6.12.2019 and his father Raj Kumar s/o Purshotam Kumar and mother Kushal Devi are the only legal representatives of Rahul Choudhary.

Counsel for the petitioner has further argued that the car is lying in the custody of the police since April 2018. When it was recovered by the police, almost a period of four years has elapsed and the car is lying unused and majority of its parts, including the rubber parts, like tyres etc. have

outlived its life and with the passage of time it will turn into a junk if the same is not released.

Learned counsel appearing for U.T., Chandigarh has not disputed the status report dated 28.2.2019 filed by the Investigating Officer stating that the car was purchased for Rs.11 lacs in the year 2017.

After hearing counsel for the parties and considering the fact that the car is of 2009 model and for the last four years the same is lying unused with the Police Post, Burail, Chandigarh, the present petition is partly allowed. The order dated 20.9.2019 passed by the revisional Court is set aside, whereas the order dated 12.6.2019 passed by the trial Court is modified to the extent that the car be released in favour of one of the legal representatives of petitioner-Rahul Choudhary on furnishing *superdari* bonds to the tune of Rs.2 lacs (two lacs) on the same conditions as contained in order dated 12.6.2019.

The petition is disposed of, accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

March 10, 2022
satish

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No