

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(250) CRM-M-643-2023
Date of Decision: 01.02.2023

Mahindra and Mahindra Financial Services Ltd. ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nitin Thatai, Advocate, for the petitioner.

Mr. R.K.Ambavta, AAG, Haryana assisted by
Mr. Mayank Gupta, DCP, Sonapat.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., prayer has been made for issuance of direction to the JMIC, Sonapat, for deciding the application filed at the instance of petitioner-Company for release of vehicle in question on *superdari*.

Learned counsel for the petitioner submits that in pursuance to registration of FIR No.0176 dated 14.05.2019, under Section 406/420/120-B IPC registered at Police Station Civil Lines, Sonipat, Haryana, certain vehicles financed at the instance of Mahindra and Mahindra Financial Services Ltd. (hereinafter referred to as “Finance Company”), were taken into custody by the investigating agency.

Upon filing of *challan*, an application came to be filed at the instance of petitioner-Finance Company before the learned trial Court on 01.03.2021 for release of following vehicles besides, praying for grant of sale as well:

	Name	Make model	Engin No.	Chassis No.
1.	JIT SINGH S/O BHUP SINGH	TATA SAFARI STORME 2.2 EX	VARICOR06 ARYJ02055	MAT6170225JRA0 1998

2.	VIJAY S/O GARIBDAS	MARUTI BREZZA ZDI+	D13A5761190 3	MA3NYFB1SJH43 0869
3.	SANDEEP S/O DALIP SINGH	MARUTI BREZZA ZDI	D13A5739385	MA3NYFB1SJK45 5846
4.	MANJEET S/O TEKCHAND	MARUTI BREZZA ZDI	D13A3414876	MA3NYFB1SJK45 5085
5.	DALBIR SINGH S/O OM NARAYAN	MARUTI BREZZ ZDI	D13A5686495	MA3NYB1SJG411 937
6.	PAWAN GOYAL S/O SURESH	HONDA WR-V 1.5 VX MT I-DT	N15A1503253 9	MAKGL274EJ4027 940

As per record, *challan* was filed in the present case on 05.03.2021.

Notice of application filed at the instance of petitioner-Finance Company was issued to the accused and other persons who got those vehicles financed vide order dated 07.04.2021. Referring to the *zimni* orders passed by the trial Court, placed on record as Annexure P-11 (Page 46 to 50), learned counsel for the petitioner submits that for the past almost 1 year and 8 months the application for *Superdari* filed at the instance of Finance Company has not been decided and thus, learned counsel prays for issuance of direction to the trial Court for early disposal of the same.

On the other hand, learned State counsel submits that the delay, for all this period has occurred on account of non-appearance of one of the accused-Lokesh @ Love, who has now surrendered before the Court on 25.01.2023.

I have heard learned counsel for the parties. Considering the fact that accused Lokesh, on account of whose absence the application filed at the instance of Finance Company could not be adjudicated, has already surrendered before the Court & thus, there does not appear to be any impediment now in the final disposal of the application.

case, trial Court is requested to decide the application dated 01.03.2021 filed at the instance of Finance Company within a period of 4 weeks from today.

The present petition is disposed of accordingly.

(HARKESH MANUJA)
JUDGE

01.02.2023
anil

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