

2023:PHHC:091423

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

CRM-M-9333-2022

Date of decision : 18.07.2023

Parshant Kaushik

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ajay Kumar Sharma, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

Counsel for the petitioner submits that the application filed by the petitioner seeking releasing of car bearing No.HR-78-B-3490 has been dismissed on three grounds:-

- (i) That the blood stained met cannot be separated;
- (ii) That there is no authorization or special power of attorney in favour of the petitioner from registered owner of the vehicle to get the vehicle released and;
- (iii) That the reason assigned which cannot be sustained is that the superdari has been denied recording that the accused persons have committed serious offence.

2. Counsel for the petitioner relies upon authority letter Annexure P-3 which admittedly was not placed before the trial Court.

So far as the issue w.r.t. the blood stained met being not removable

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from the car is concerned, counsel for the petitioner is right that after FSL report has been received w.r.t. the matching of the blood on the met, there cannot be any serious objection qua that.

3. In view of above, liberty is granted to the petitioner to move application for superdari afresh before the trial Court by relying upon authority letter which has been placed on record before this Court as Annexure P-3.

4. If such application for superdari is filed, the same shall be adjudicated by the trial Court in accordance with law within a period of 30 days.

5. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

18.07.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No