

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.109

Case No. : CRM-M-31729-2021 (O&M)

Date of Decision : February 28, 2023

Dhanno Devi Petitioner

vs.

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Govind Mor, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

* * *

GURBIR SINGH, J. :

CRM-1632-2023 :

This is application under Section 482 Cr.P.C. for permission to place on record the documents as Annexures P/6 to P/8 and also exemption from filing the certified copies as well as true fair typed copies of the Annexures P/6 to P/8.

For the reasons mentioned in the application, the same is allowed and Annexures P/6 to P/8 are ordered to be taken on record.

The application stands disposed of.

Main Case :

Prayer in this petition is for releasing the vehicle bearing registration No.UP.16AC/8179 on *superdari*, which is lying in the premises of Police Station Barwala, for having been involved in case FIR No.480 dated 03.08.2020 (Annexure P-3), under Sections 21(b)/61/85 of NDPS Act,

registered at Police Station Barwala, District Hisar.

The case of the petitioner is that she is the owner of the aforesaid vehicle and the same was duly registered. A copy of the Registration Certificate of the vehicle in the name of the petitioner is Annexure P-1.

Learned counsel for the petitioner further states that the petitioner entered into an agreement to sell the said vehicle to one Navit Kumar (respondent no.3) on 05.01.2020 (Annexure P-2) for a consideration but he did not get the said vehicle transferred in his name and handed over the same to one Mukesh, who, along with others, was apprehended with contraband in the said vehicle.

The petitioner moved the application to release the vehicle on *superdari*. The said application was dismissed by the learned Additional Sessions Judge, Hisar on 16.10.2020 (Annexure P-5).

Respondent no.3 also moved an application (Annexure P-6) to release the vehicle in question on *superdari* but the same was withdrawn on 29.09.2020 (Annexure P-7). Respondent no.3 sworn an affidavit dated 01.03.2022 (Annexure P-8) that if the real owner wanted to take the aforesaid vehicle on *superdari* then he had no objection.

Learned State counsel has opposed the petition by submitting that the vehicle in question has already been sold by the petitioner (real owner). So, she has no right to get the said vehicle on *superdari*.

Heard.

The petitioner is registered owner of the vehicle in question, which is lying in the premises of Barwala Police Station.

It is very commonly seen that there is hardly any space in the police stations to properly keep the recovered vehicles and the vehicles are parked in the open, resulting in damage of the vehicles.

In the present case, respondent no.3, with whom the petitioner entered into agreement to sell the vehicle, had sworn on affidavit that he had no objection in case the original owner wanted to take the vehicle on *superdari*.

The learned Trial Court dismissed the application for *superdari* of the vehicle on the ground that if released on *superdari*, then she would sell the same to respondent no.3 and it might not be produced in trial.

The order passed by the learned Trial Court is not sustainable. The person, who gets the vehicle released on *superdari*, is bound to produce the same as per the orders of the Court, otherwise, he/she is to face the consequences.

In view of the above, the order dated 16.10.2020, passed by the learned Additional Sessions Judge, Hisar (Annexure P-5) is set aside. The Trial Court is directed to decide the application afresh, keeping in view the averments of the petitioner, within one month from the date of receipt of certified copy of this order.

The petition stands disposed of in the above terms.

February 28, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.