

CRM-M 29071 of 2023

2023:PHHC:081548
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M 29071 of 2023
Date of Decision: 02.06.2023

Harjinder Pal Singh

.....Petitioner

Versus

State of Haryana and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Raj Kaushik, Advocate
for the petitioner.

GURBIR SINGH, J (ORAL)

The present petition under Section 482 Cr. P.C. has been filed *inter alia* with a prayer to release the vehicle i.e. Car having Temporary Registration No.CH2020-TR-7537-A, Make Innova Crysta 2.4 G on superdari during the pendency of FIR no.188 dated 24.06.2021, under Sections 201, 302, 34 IPC and Section 25 of Arms Act, registered at PS Pehowa.

Learned counsel for the petitioner submits that the petitioner filed an application on 03.10.2022 (Annexure P-2) for release of the vehicle in question, which has not yet been decided by the learned trial Court and the same is still pending. Vide order dated 15.04.2023 (Annexure P-3), learned Sessions Judge, Kurukshetra, has adjourned the application with the observation that the same would be taken up after examination of IO. The relevant extract of the order is as under:-

'Application for releasing of vehicle i.e. Car bearing

Temporary No. CH-2020-TR-7537-A, Chasis No. MBJJB8EMX01582684-0320 and Engine No.2GDA409286 make Innova Crysta 2.4 on superdari would be taken up after examination of I.O.'

Notice of motion.

On asking of the Court, Mr. Karan Sharma, DAG, Haryana, accepts notice on behalf of official respondents-State. A copy of the paper book be supplied to him during the course of the day.

Section 451 of the Cr. P.C. is as under:-

451.Order for custody and disposal of property pending trial in certain cases. When any property is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the Court may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of. Explanation.- For the purposes of this section," property" includes:-

(a) property of any kind or document which is produced before the Court or which is in its custody,
(b)any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence.'

The learned trial Court is supposed to decide the said application as early as possible as no purpose will be served by keeping the vehicle in police station where there is no place to keep the vehicle properly.

At this stage, learned counsel for the petitioner submits that the petitioner would be content if his application is decided expeditiously.

Having heard learned counsel for the parties and on perusal of the paper book, this petition is disposed of with the direction to the learned

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trial Court to decide the application within a period of one *week* from the next date fixed before the learned trial Court.

02.06.2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No