

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

237

CRR-2922-2022 (O&M)

Date of Decision: 11.04.2023

Mandeep Kumar @ Manna

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. R.P. Dhir, Advocate for the petitioner.

Mr. J.P. Ratra, Sr. DAG, Punjab with
Mr. G.S. Sandhu, DAG, Punjab.

Mr. Vishal Thakur, Advocate for respondent No. 2.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-14427-2023

Application is allowed as prayed for.

Copies of receipt dated 03.02.2023 and order dated 03.02.2023 passed by the learned Judicial Magistrate Ist Class, Hoshiarpur, are taken on record as Annexures P-3 and P-4, respectively.

CRR-2922-2022

The petitioner has filed the present revision for setting aside the impugned order dated 16.12.2022 passed by learned Sessions Judge, Hoshiarpur, whereby the revision filed by respondent No. 2 against the order dated 31.10.2022, rendered by the learned Judicial Magistrate Ist Class, Hoshiarpur, allowing the application for release of motorcycle bearing registration No. PB-07-S-2490 on *Superdari* filed by the

petitioner, was allowed.

Briefly, the petitioner filed an application dated 09.09.2022 before the trial Court in case FIR No. 135 dated 22.08.2022, registered under Sections 420, 465, 468, 471 and 411 IPC at Police Station Bullowal, Hoshiarpur, for the release of motorcycle bearing registration No. PB-07-S-2490 on *Superdari*. Similar application dated 19.09.2022, was also filed by respondent No. 2 for release of aforesaid motorcycle on *Superdari* in his favour. After hearing learned counsel for the parties, the trial Court vide order dated 31.10.2022, allowed the application filed by the petitioner and released the aforesaid motorcycle in his favour, subject to furnishing of surety bonds of Rs.2.00 lakhs with one surety in the like amount along with certain other conditions, whereas the application filed by respondent No. 2 was dismissed.

Aggrieved there-against, respondent No. 2 assailed the said order by filing a revision before the learned Sessions Judge, Hoshisarpur, which was allowed vide impugned order dated 16.12.2022 reversing the findings of the trial Court observing that though respondent No. 2 was not the registered owner of the motorcycle in question, but was entitled to be in possession of the same as the same was given by him to his daughter in her marriage as *istri dhan*.

Being aggrieved, the petitioner has preferred the present revision petition.

Vide order dated 23.12.2022, passed by a co-ordinate Bench of this Court, the petitioner was allowed to retain the possession of motorcycle in question, subject to deposit of an amount of Rs.50,000/- as security.

Pursuant to the aforesaid order, the petitioner had deposited the amount of Rs.50,000/- as security vide receipt dated 03.02.2023 (Annexure P-3).

Since, the possession of motorcycle in question is already with the petitioner in terms of order dated 31.10.2022 passed by the trial Court and the order dated 23.12.2022, passed by a co-ordinate Bench of this Court also stood complied with, the instant revision is allowed. The impugned order dated 16.12.2022 passed by learned Sessions Judge, Hoshiarpur, is hereby set aside and the petitioner is allowed to retain the possession of the motorcycle in question, subject to the outcome of trial.

11.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

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