

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-53965-2019 (O&M)

Date of Decision: 14.2.2023

Parvej Tyagi

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Chand Ram Olla, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Present petition has been filed by the petitioner under Section 482 of Cr.P.C. with a prayer seeking quashing of impugned orders dated 28.6.2019 (Annexure P-1) passed by learned Judicial Magistrate, 1st Class, Hansi, dated 7.11.2019 (Annexure P-2) passed by learned Additional Sessions Judge, Hisar whereby the prayer made by the petitioner for release of his vehicle bearing No.HR-38-J-2072 on *spurdari* in criminal case having FIR No.331 dated 3.6.2019 registered at Police Station City Hansi, District Hisar was declined.

Counsel for the petitioner has submitted that request for release of his vehicle on *spurdari* was dismissed by the aforesaid 2 Courts by observing that the petitioner is having a remedy to prefer an appeal to the Deputy Commissioner concerned under Section 17(5) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (in short, 'the Act').

He has further contended that the said vehicle was taken into possession by

the police on 3.6.2019 when FIR was registered in this case on the allegations that the said vehicle was being used for smuggling of cattle.

Counsel for the petitioner has further submitted that Coordinate Benches of this Court, have already passed orders regarding release of vehicles under similar situation. In this context, counsel for the petitioner referred to **Rajid Khan v. State of Haryana and others** decided on 2.2.2022 in CRM-M-24902-2018 and Sachin Balyan v. State of Haryana decided on 5.1.2023 in CRM-M-45080-2021.

It appears that in the present case the vehicle in question is lying parked in the premises of the concerned police station for the last about 3 years and with the passage of time, the condition of the vehicle must be deteriorating and finally, it will become unfit for plying on the road. Moreover, Coordinate Benches of this Court under similar circumstances, have ordered the release of the vehicle on *spurdari*.

Consequently, without commenting on the merits of the case and taking into consideration totality of the circumstances, the present petition is allowed and seized vehicle bearing No.HR-38-J-2072 is directed to be released in the name of its registered owner on *spurdari* subject to the satisfaction of the concerned Illaqa Magistrate/Duty Magistrate.

(KARAMJIT SINGH)
JUDGE

February 14, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No