

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.8162 of 2024 (O&M)
Date of Decision: 02.05.2024

RAJINDER SINGHPetitioner(s)
Vs
STATE OF PUNJABRespondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Abhishek Singla, Advocate with
Mrs. Anchal Singla, Advocate
for the petitioner.

Mr. Siddharth Sandhu, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for setting aside the orders dated 14.09.2022 and 11.10.2021 passed by the Addl. Sessions Judge, Bathinda and by the Sub-Divisional Judicial Magistrate, Talwandi Sabo respectively, vide which an application for release of RC of Vehicle Canter 1059-Eicher, bearing Regn. No.PB03-AJ-5204, Engine No.034720 and Chassis No.317816 stands declined.

[2]. Briefly stating, an FIR No.358 dated 30.11.2017 was registered under Section 61 of Punjab Excise Act, 1914 with the following extracted allegations:-

“xxx xxx that one Canter No.PB-03-AJ-5204 driven by Babbu Singh s/o Darshan Singh is carrying Haryana made liquor which is following pilot car Scorpio of Mela Singh, Jagjit Singh rs/o Sandoha. They in connivance with each other sale Haryana made liquor here. If nakabandi is done now, then huge quantity of Haryana made liquor from Canter No.PB-03-AJ-5204 and Scorpio car can be recovered. xxx xxx”

[3]. The aforesaid vehicle i.e. PB03-AJ-5204 was admittedly owned by the petitioner though he was never arrayed as an accused in the aforementioned FIR, there being no offence made out against him. The aforesaid vehicle was released on *superdari* during pendency of trial in favour of petitioner being its owner. Later, unfortunately the said vehicle met with an accident on 15.05.2019 thereby compelling the petitioner to raise a claim towards its damage with the Insurance Company. In order to complete the legal formalities, the petitioner required RC of the aforesaid vehicle, therefore, he filed an application before the Trial Court for release of the same, however the said application came to be dismissed vide order dated 11.10.2021 passed by the Sub-Divisional Judicial Magistrate, Talwandi Sabo. Aggrieved thereof, the petitioner filed revision petition and the same was dismissed by the Court of Additional Sessions Judge, Bathinda vide order dated 14.09.2022.

[4]. Impugning the aforesaid orders, learned counsel for the petitioner submits that there was no dispute about the ownership of the vehicle which was admittedly owned by the petitioner, who was not even involved in the FIR in question and, thus, in the present facts and circumstances of the case, the RC of the said vehicle being required by the petitioner for the purpose of obtaining insurance claim, should have been released in his favour while keeping its certified copy duly attested by the Court concerned on record. He also submits that the ownership of the vehicle in question, even otherwise was to be established/proved from the records of the registration authorities and, thus, there was no purpose of keeping the original RC of the vehicle with the Court.

[4.1]. Learned counsel also points out that the vehicle in question though involved in the FIR pertaining to the year 2017 , no proceedings under Section 78 of Punjab Excise Act, 1914 as regards its confiscation were ever initiated or concluded so far despite there being specific direction in this regard by the learned Additional Sessions Judge and, thus, no prejudice in any manner was going to be caused to the respondents, with the release of R.C.

[5]. The prayer made on behalf of the petitioner has been vehemently opposed by the learned State counsel while submitting that the vehicle in question was undoubtedly involved in the FIR in question and, thus, being the case property, retaining of the original RC by the Trial Court was essential for the purpose of ensuring involvement of the accused in the FIR before the Trial Court in order to prove its case by the prosecution.

[6]. I have heard learned counsel for the parties and gone through the paper book.

[7]. Perusal of the record shows that the aforesaid vehicle was though involved in the FIR in question, however, the petitioner, despite being the owner was never arrayed as an accused and the vehicle was released to him on superdari during pendency of trial. The said vehicle having met with an accident, the claim set up by the petitioner towards its salvage with the Insurance Company could not be met for want of original RC with him.

In such circumstances, the release of RC in favour of the petitioner becomes essential. Even otherwise, the same is not going to harm the prospects of the prosecution as they can rely upon the attested copy of photographs of the RC

besides obtaining its certified copy from the registration authority. Still, in order to safeguard the interest of the respondents in the confiscation proceedings, to be initiated at any later stage, the release of RC in favour of the petitioner is ordered, subject to continuation of superdari bonds in the sum of Rs.5 lakhs with one surety in the like amount as furnished by him at the time of release of vehicle on superdari.

[8]. In the aforesaid circumstances and purely in the interest of justice, the present petition is allowed, the impugned orders dated 14.09.2022 and 11.10.2021 passed by the Courts below are hereby set aside. The original RC of the vehicle in question be released to the petitioner while retaining on record its certified copy duly attested by the Court concerned. The respondents shall initiate the proceedings under Section 78 of the Act, if applicable and conclude the same expeditiously.

May 02, 2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No