

S. No.264

2024:PHHC:013991

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34486 of 2017

Date of Decision:01.02.2024

Guljar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (Oral)

During the investigation of case FIR No.85 dated 03.03.2017 registered at Police Station City Kaithal, under Section 13(2) of the Haryana Gouvansh Sanrakshan and Gausamvardhan Act, 2015 (for short, 'the Act') Vehicle No.HR-55G-1586 was taken into possession.

Petitioner being the owner of the said vehicle applied for releasing the same on superdari. The application was allowed by the trial Court vide order dated 22.03.2017 (Annexure P.1). However, in the revision filed by the State, the order of the trial Court was set aside on the ground that the Magistrate did not have the power to release the vehicle due to the bar imposed by Section 17(3) of the Act.

Learned counsel for the petitioner has relied upon **Harpal Singh Vs. State of Haryana – CRM-M-28724 of 2017 (O&M)** decided by a co-ordinate Bench of this Court on 08.08.2017 (Annexure P.3) submitting that in the similar circumstances, the petition was allowed and the vehicle of the owner was directed to be released on superdari.

Learned State Counsel has filed the reply but he does not raise any serious objection to release of the vehicle.

This petition is hereby allowed. The impugned order dated 29.03.2017 (Annexure P.2) passed by learned Additional Sessions Judge, Kaithal is hereby set aside. Vehicle No.HR-55G-1586 is hereby directed to be released on superdari to its registered owner- petitioner subject to the satisfaction of the trial Court concerned.

February 01, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No