



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-29727-2024**

Date of Decision:- 24.09.2024

**NIRMAL SINGH**

....Petitioner

Vs.

**STATE OF HARYANA AND ANR.**

...Respondents

**CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Ms. R.K. Grewal, Advocate for the petitioners.

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

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**AMARJOT BHATTI, J.**

1. Petitioner has filed instant petition under Section 482 Cr.P.C. for setting aside impugned order dated 04.05.2024 (Annexure P-4) passed by Sessions Judge, Ambala whereby revision filed by petitioner against order dated 02.03.2024 (Annexure P-3) passed by Court of Judicial Magistrate First Class, Ambala has been dismissed for releasing the vehicle bearing registration No.PB-04-AD-2091 on superdari in FIR No.35 dated 03.02.2024 under Section 13 (2) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015.

2. Learned Judicial Magistrate 1<sup>st</sup> Class Ambala while dealing with the application specifically relied upon provisions of Section 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 according to which vehicle confiscated under the aforesaid provisions are to be dealt with by Sub Divisional Magistrate and in case aggrieved of the order passed by SDM, appeal lies with the Deputy Commissioner of the District

17. (1) *Whenever an offence punishable under this Act has been committed, any vehicle used in the commission of such offence shall be liable to be confiscated by a police officer not below the rank of Sub-Inspector or any person authorized in this behalf by the Government.*

(2) *Where any vehicle referred to in sub-section (1) is confiscated in connection with the commission of any offence punishable under this Act, a report about the same, without unreasonable delay, be made by the person seizing it to the competent authority and whether or not a prosecution is instituted for commission of such offence, the competent authority, having jurisdiction over the area where the said vehicle was confiscated, may, if satisfied that the said vehicle was used for commission of offence under this Act, order confiscation of the said vehicle:*

*Provided that before ordering confiscation of the said vehicle, a reasonable opportunity of being heard shall be afforded to the owner of the said vehicle.*

(3) *Whenever any vehicle as referred to in sub-section (1) is confiscated in connection with commission of an offence under this Act then notwithstanding anything contained in any other law for the time being in force, no Court, Tribunal or other authority, except the competent authority, shall have jurisdiction to make order with regard to the possession, delivery, disposal, release of such vehicle.*

(4) *Where the competent authority is of the opinion that it is expedient in public interest that the vehicle, as referred to in sub-section (1), confiscated for commission of offence under this Act be sold by public auction, he may at any time direct it to be sold:*

*Provided that before giving such directions for sale of confiscated vehicle, a reasonable opportunity of being heard shall be afforded to the owner of the said vehicle*

*(5) Any person aggrieved by an order made by the competent authority under subsection (2) or sub-section (4) may, within a period of thirty days from the date of such order, prefer an appeal to the Deputy Commissioner of the district concerned.*

*(6) Any order of confiscation made by the competent authority shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.*

3. Status report/reply by way of affidavit dated 23.09.2024 has been filed according to which, in para No.5 it is mentioned that no application has been filed before respondent No.2 – Sub Divisional Magistrate, Ambala for release of vehicle No.PB-04-AD-2091 on superdari.

4. Considering the aforesaid factual position as well as provisions of Section 17 of Haryana Gouvansh Sanrakshan and Gausamvardhan Act, 2015, impugned order dated 04.05.2024 (Annexure P-4) does not require any interference and same is upheld and it is directed that in case application is filed by the petitioner for the release of vehicle PB-04-AD-2091 on superdari then learned SDM concerned to dispose of the application as per law within a period of two weeks.

**(AMARJOT BHATTI)**  
**JUDGE**

**24.09.2024**  
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Whether speaking/reasoned: Yes/No.  
Whether reportable: Yes/No