



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

238**CRM-M-51750-2023****Date of decision: 08.11.2024****RAMESH**

...Petitioner

V/s

STATE OF U.T. CHANDIGARH

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Ravi Dangi, Advocate for the petitioner.

Mr. Mr.Abhinav Gupta, Addl.P.P., U.T., Chandigarh.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the present petition is for quashing of order dated 20.07.2021 (Annexure P-4) passed by the learned Judicial Magistrate Ist Class whereby the application filed for releasing the vehicle i.e. Fortuner Car No.HR-12L-2525 on Superdari has been dismissed as well as order dated 16.09.2023 passed by learned Addl. Sessions Judge, Chandigarh in Criminal Revision No.157 of 2022 filed against the order Annexure P-4 for releasing the aforementioned car has been dismissed.

2. Learned counsel for the petitioner submits that the Courts below have erroneously dismissed his application seeking release of his vehicle on Superdari, failing to consider that the petitioner is the rightful owner of the vehicle i.e. Toyota Fortuner. Referring to the registration certificate and other ownership documents annexed as Annexure P-2, learned counsel contends that it is a matter of record that the petitioner is



the bonafide owner of the vehicle, bearing registration No. HR-12L-2525, having purchased it from Sombir son of Mangat Ram, for a sum of Rs.15 lakhs. It is further submitted that the petitioner obtained all required clearances, including a No Objection Certificate, and subsequently got the vehicle in question registered in his name. However, despite these facts, the vehicle remains in the custody of Sector-31, Police Station Chandigarh. Learned counsel has argued that since the vehicle is neither a case property in connection with the FIR in question nor required by the police for any other investigation, his application for the release of the vehicle on Superdari should be allowed.

3. Learned Standing counsel for U.T., Chandigarh, has filed a short reply by way of affidavit of Sh. Jaswinder Singh, CPS, Deputy Superintendent of Police (South), U.T., Chandigarh which is taken on record subject to all just exceptions.

4. Learned Standing Counsel for U.T., Chandigarh while drawing the attention of this Court to the short reply filed in the Court today has submitted that ownership of the vehicle in question has been verified through the State Transport Department Hissar, and the report confirms that the petitioner is indeed the owner of the vehicle in question. Additionally, it is undisputed that the vehicle in question is not required for any further investigation in the present FIR.

5. I have heard learned counsel for the parties and perused the relevant material placed on record.

6. It is evident and undisputed by the learned Standing counsel



for U.T., Chandigarh that the vehicle bearing registration No. HR-12L-2525 is no longer required by the Investigating Agency. Consequently, retaining the vehicle in police custody would serve no useful purpose.

7. Accordingly, the instant petition is allowed and therefore, the vehicle in question i.e. Toyota Fortuner Car bearing registration No. HR-12L-2525, is ordered to be released on Superdari subject to the satisfaction of the learned trial Court.

(MANJARI NEHRU KAUL)
JUDGE

November 08, 2024
poonam

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No