

CRR-355-2023 (O & M)

2025:PHHC:097790



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(227)

CRR-355-2023 (O & M)
Date of decision: 01.08.2025

Neeraj

..... Petitioner(s)

V/s

The State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Dhruv Gupta, Advocate, for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the instant criminal revision petition is for setting aside the impugned order dated 24.11.2022 passed by the Court of the Additional Sessions Judge, District Ambala vide which the application filed by the petitioner/owner for release of the car bearing Registration No.HR-51-W-3749 on *superdari* in case FIR No.118 dated 25.03.2022 under Section 18 (29 added later on) of NDPS Act, 1985, Police Station Parao, Ambala Cantt., District Ambala has been dismissed.

2. The brief facts of the case are that an FIR No.118 dated 25.03.2022 under Section 18 (29 added later on) of NDPS Act, 1985, Police Station Parao, Ambala Cantt., District Ambala came to be registered on the basis of a secret information. The petitioner-Neeraj was found sitting in an Innova car from which the recovery of 2 kg.600 grams of opium was



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effected. The petitioner is the registered owner of the Innova car bearing No.HR-51-W-3749 which has been confiscated by the police on account of commission of the offences in question. The petitioner moved an application for the release of the vehicle on *superdari* which came to be dismissed vide the impugned order dated 24.11.2022 which is under challenge in the present petition.

3. The learned counsel for the petitioner contends that the petitioner is the registered owner of the vehicle. The Trial is still pending and no Court has found the petitioner guilty till date. The vehicle is lying in the custody of the police since March 2022 i.e. since last almost 3½ years. As it is subjected to the vagaries of the weather, it would diminish in value in case it is not released to the petitioner for usage. Reliance is placed on '*Gurbinder Singh @ Shinder versus State of Punjab (CRR No.1765 of 2015 decided on 19.09.2016), Sanjay versus State of Haryana 2019(1) Law Herald 144, Rahul Kumar @ Rai versus State of Punjab 2019(3) Law Herald 2266, Gurcharan Singh versus State of Punjab 2020(4) Law Herald 2822, Sanju versus The State of Haryana 2022(4) CriCC 59, Charan Jeet versus State of Haryana 2023(3) RCR(Criminal) 12 and Union of India versus Gurpreet Singh 2025(1) RCR (Criminal) 569*'.

4. The learned counsel for the State, on the other hand, contends that the petitioner was apprehended while travelling in the vehicle in question of which he is the registered owner. The recovery of a huge



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quantity of contraband came to be effected from the said vehicle. Therefore, the vehicle be not released on *superdari*.

5. I have heard the learned counsel for the parties.
6. As per the prosecution case, the petitioner was apprehended on 25.03.2022 while travelling in the vehicle registered in his name from which the contraband came to be recovered. Almost 3½ years have elapsed ever since then and the Innova vehicle is currently parked in the police station. It is subjected to the vagaries of the weather and its disuse will lead to its value being diminished causing irreparable loss to the petitioner.
7. In view of the above, the present petition is allowed, the impugned order dated 24.11.2022 passed by the Court of the Additional Sessions Judge, District Ambala is set aside and the Innova vehicle bearing Registration No.HR-51-W-3749 is ordered to be released on *superdari* to its registered owner on furnishing *superdarinama/superdari* bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate/Special Judge/Ambala.
8. Needless to say that on release of the vehicle, the petitioner shall not either sell the vehicle (Innova bearing Registration No.HR-51-W-3749) or alter its condition in any manner.

August 01, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No