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

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**CRM-M-12899-2025 (O&M)
Date of decision : 07.03.2025**

Anil Kataria**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Amit Kohar, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for quashing of order dated 13.02.2025 (Annexure P-4), passed by learned Additional Sessions Judge, Gurugram in case titled as *State vs. Arjun and others*, arising out of FIR No. 77 dated 23.06.2017, registered under Sections 302, 201, 216, 34 of IPC and Section 25 of the Arms Act at Police Station Sector 9-A, Gurugram, whereby an application filed by the petitioner for release of original registration certificate of his vehicle has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner was arraigned as an accused in the aforesaid case and was facing trial therein. However, vide judgment dated 11.11.2024, all the accused persons including petitioner had been acquitted of the charges framed against them. It is further submitted that vehicle bearing registration number HR-26-BY-0001 was recovered by the police in the case. The petitioner had filed an application before the learned trial Court for release of the original registration certificate of the aforesaid vehicle to the petitioner but the same had been dismissed only

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petitioner and other accused. It is argued that a non-speaking and cryptic order had been passed by the learned trial Court, which is not sustainable in the eyes of law. The petitioner is the registered owner of the vehicle and in case the original registration certificate of the vehicle is not released to him, he will suffer irreparable loss. It is, thus, urged that the present petition deserves to be allowed and the impugned order is liable to be quashed.

3. I have heard learned counsel for the petitioner at considerable and have also gone through the record carefully.

4. On a perusal of the record, it is revealed that the petitioner and other co-accused have been acquitted by the learned trial Court. The aforesaid vehicle was recovered in this case as case property. The petitioner is stated to be registered owner of the same. The application filed by the petitioner had been dismissed by the learned trial Court only on the ground that an appeal had been preferred against the judgment of acquittal. Except this, the learned trial Court had not assigned any reason as to why the original registration certificate cannot be released to the petitioner. Even if an appeal had been filed against the judgment of acquittal, this Court sees no reason to deny the petitioner the release of original registration certificate of the aforesaid vehicle. Accordingly, the present petition is allowed. The impugned order is quashed. The Court concerned is directed to release the original registration certificate of the aforesaid vehicle to the petitioner on usual terms and conditions as it may think appropriate.

07.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No