

2025:PHHC:048400



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

Sr. No.128

**CRM-M-12436-2025 (O&M)
Date of decision : 08.04.2025**

Deepak

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kamal Kant, Advocate, for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

1. The instant petition has been filed under Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) for quashing/setting aside the order dated 19.12.2024 (Annexure P5) passed by learned Addl. Session Judge, Special Court, Karnal vide which the application for releasing of vehicle/car on superdari has been dismissed in FIR No.0020 dated 20.08.2024, registered under Sections 123, 140(3), 351(2) & 64(1) BNS, 2023 and Section 4 of POCSO Act, at Police Station Women, Assandh, District Karnal and all consequential proceedings arising out of the same may also be set-aside/quashed.

2. Learned counsel for the petitioner submits that the petitioner is the bona fide owner of the Santro Car bearing registration No.HR-11N-8896 in which the alleged offence was said to have taken place and thus, the car was taken into custody by the investigating agency. An application for the release of the car on superdari was filed before the Court of Addl. Sessions Judge, Special Court, Karnal, however, the same was erroneously dismissed

2025:PHHC:048400



vide order dated 19.12.2024. It is further submitted that challan has already been presented in the case, and there being no direct evidence against the petitioner, therefore, under such circumstances, the vehicle which is currently lying as junk and getting damaged in the premises of Women Police Station, Assandh, be released to the petitioner. He submits that the investigation is complete and there is no further requirement of the vehicle in the case. The petitioner is willing to comply with all the conditions which this Court would deem appropriate for allowing the present petition.

3. Status report dated 28.03.2025 has been filed by the learned State counsel and the same is taken on record. Referring to the said status report, learned State counsel submits that pursuant to the investigation, on 11.09.2024, the father of accused Deepak i.e. Rajender son of Pirthi, presented the mobile phone used by his son in the incident without SIM; and a white Santro car having RC No.HR-11N-8896, and the same was taken into police possession. Thereafter, result of the FSL was received vide report dated 06.09.2024 in which it was opined by the expert that 'semen could not be detected on exhibit-2 (public hair) and exhibit-3 (swab). It is submitted that challan stands presented and charges have been framed vide order dated 03.03.2025; and now the case is pending for prosecution evidence.

4. Heard.

5. The factum of ownership of the said vehicle has not been disputed by the learned State counsel. Investigation in the matter stands completed. Report of the FSL has also been received. The case before the learned trial Court is at the stage of prosecution evidence.

2025:PHHC:048400



6. Therefore, in view of the aforesaid submissions made, this Court deems it appropriate to allow this petition. The impugned order dated 19.12.2024 (Annexure P5) passed by learned Addl. Session Judge, Special Court, Karnal is set aside and the vehicle/car is ordered to be released on superdari subject to the conditions that the petitioner shall furnish an undertaking to the effect that:-

- (i) he will preserve the vehicle in the same condition during the pendency of the trial;
- (ii) he will not sell, dispose of, alienate or mortgage etc. the vehicle, during the pendency of the trial;
- (iii) he will produce the vehicle before the trial Court as and when directed to do so and;
- (iv) he will ensure that the vehicle is not involve in any other criminal case.

7. In case of violation of the undertaking by the petitioner, liberty is granted to the prosecution to seek cancellation of the superdari bond.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

08.04.2025
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No