



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

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CRR-700-2025 (O&M)
Date of decision: 17.03.2025

Dilharjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Hardial Singh Baath, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant revision petition has been filed by the petitioner against the order dated 20.01.2025, passed by the Court of learned Sessions Judge, Rupnagar in case titled as *Punjab State vs. Dilharjit Singh*, arising out of FIR No. 233 dated 13.10.2023, registered under Sections 388, 389, 420, 370, 370-A and 120-B of IPC at Police Station City Rupnagar, District Rupnagar, whereby an application moved by the petitioner for release of the vehicle make Mahindra Thar bearing registration number PB-11-CT-4040 on *sapurdari*, had been dismissed.

3. Learned counsel for the petitioner has argued that the impugned order is liable to be set aside as the same had been passed by the learned Sessions Judge without applying his judicious mind. It is submitted that the petitioner has been falsely implicated in the aforesaid case and is facing trial. The aforesaid vehicle was taken into possession by the police in October, 2023 as case property. The petitioner was released on bail in December, 2024.

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He had moved an application before the learned trial Court for release of his vehicle on *sapurdari* claiming that he was the owner of the same but the same had been dismissed only on the ground that the same had been purchased from the money extracted from innocent people. It is further submitted that the petitioner is registered owner of the said vehicle. He had purchased the said vehicle much prior to registration of the aforementioned case. Learned counsel for the petitioner has further submitted since the vehicle is lying with police since October, 2023, its condition is deteriorating every passing day, besides it is getting rusty. Hence, it is urged that the petition deserves to be accepted, impugned order is liable to be set aside and the vehicle deserves to be released to the petitioner on *sapurdari* so that the petitioner can use the same for his business purposes. Therefore, it is urged that the revision petition deserves to be accepted and the impugned order is liable to be set aside. In support of his arguments, learned counsel for the petitioner has relied upon the authorities cited as ***Gurbinder Singh @ Shinder vs. State of Punjab : 2016 (4) RCR (Criminal) 492, Amninder Singh vs. State of Punjab : 2016 (3) RCR (Criminal) 1007, Rahul Kumar @ Rai vs. State of Punjab : 2019 (3) Law Herald 2266, Satnam Singh vs. State of Punjab : 2021 (1) DC Narcotics 548 and Jagdev Singh vs. State of Punjab : 2020 (4) RCR (Criminal) 574.***

4. On the other hand, learned Senior Deputy Advocate General, Punjab, who has advance notice of the petition and is ready to argue the matter, has opposed the prayer of the petitioner by arguing that there is no infirmity or illegality in the impugned order and the learned trial Court has



rightly rejected the application of the petitioner seeking release of the aforesaid vehicle in his favour on *sapurdari* as it was found to have been purchased from the money extracted from innocent people and it may be needed as case property during the course of trial. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. Admittedly, the petitioner has been arraigned as an accused in the aforesaid case and is facing trial therein. He is on bail pending trial. The petitioner had moved an application before the learned trial Court for release of the vehicle on *sapurdari* but the same had been dismissed by observing that the same was purchased with funds derived from the proceeds of the subject crime. However, it is not the case that the petitioner is not the registered owner of the said vehicle. It is a well settled proposition of law that the prosecution must establish, by clear and cogent evidence, a direct nexus between the funds used in acquiring an asset and the proceeds of crime before any prolonged detention or forfeiture is justified. The trial is going on and at this stage, it cannot be conclusively stated that the vehicle in question was purchased from the funds derived from the people who were allegedly honey trapped by the petitioner as it goes against the presumption of innocence of the petitioner, which is a fundamental right. Any interference with a person's property rights must be subjected to the strict requirements of due process and proportionality. The seizure of the vehicle in question solely on the basis of a *prima facie* allegation, without affording the petitioner an opportunity to



rebut, is contrary to these principles. The vehicle in question is lying in police custody since October, 2023 and its condition is obviously worsening due to its non-utilization and in case the vehicle is allowed to be parked in an open place in the premises of the police station, it would certainly affect its utility and diminish in value rendering it useless as it would turn into junk over a period of time. Keeping in view the discussion made above and also the attendant facts and circumstances of the case as well as the ratio of law as laid down in above cited judgments, it is found appropriate to release the vehicle in question in favour of the petitioner on *sapurdari*, who is the registered owner of the same.

7. Accordingly, the present petition is allowed and the impugned order is set aside. The vehicle bearing registration number PB-11-CT-4040 is ordered to be released on *sapurdari* in favour of the petitioner, on usual terms and conditions to be imposed by the learned trial Court and also after verifying the factum of the petitioner being registered owner of the same.

17.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No