

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

CRM-M-19428-2025

Date of decision : 12.12.2025

Raksha Ram Gupta

.....Petitioner

versus

State of Haryana

..... Respondent

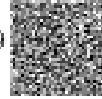
CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Nafees Ahmad Khan, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of impugned order dated 24.03.2025 (Annexure P-3) passed by learned JMIC, Faridabad vide which an application for releasing the vehicle bearing registration No.HR-74-B-7152 on *superdari*, has been rejected in FIR No.61, dated 19.02.2025, under Sections 13, 17 of the Haryana Gauvansh Sanrakshan and Gausamwardhan Act, 2015 (for short, 'the Act'), Section 11 of Prevention of Cruelty of Animals Act, 1960 and Sections 125, 281, 3(5), 325 of BNS, 2023, registered at Police Station Sadar Ballabgarh, District Faridabad.

2. It has been submitted by learned counsel for the petitioner that the vehicle bearing registration No.HR-74-B-7152, which is in the partnership of Vakeel and Irfan, was nabbed by the complainant of the FIR i.e. Puneet Vashisth, member of Gau Raksha Dal and District Coordinator of Bajarang Dal, having no authority. He submits that the petitioner filed an application before learned JMIC, Faridabad for releasing the said

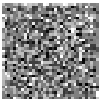


vehicle on *superdari*, however, the same was dismissed vide order dated 24.03.2025 with the observation that confiscation proceedings are already filed by concerned SDM, Ballabgarh. He further submits that the said vehicle is the only source of income of the petitioner to earn his livelihood for his family, which fact has not been appreciated by learned JMJC, Faridabad. He has relied upon the judgments Mohammad Salman vs. State of Haryana, in CRR-4013-2017; Kulwinder Singh vs. State of Haryana, in CRM-M-3881-2017; Sher Mohammad @ Sher Mohd Vs. State of Haryana, in CRM-M-64773-2023 decided on 19.02.2024; and Sakeel Ahmed vs. State of Haryana, passed in CRM-M-23779-2024 decided on 26.09.2024 and has submitted that the view taken by the learned trial Court is totally against the statutory provisions and the law settled. Thus, it is submitted that the vehicle bearing registration No.HR-74-B-7152 be released to the petitioner on *superdari*.

3. Notice of motion.

4. Ms. Diya Sodhi, Sr. DAG, Haryana, accepts notice on behalf of the State. She has submitted that the vehicle in question was taken into police custody in FIR No.61, dated 19.02.2025, which was found to be involved in commission of offence. She submits that the said vehicle has been confiscated/seized by the SDM, Ballabgarh, Faridabad.

5. After hearing counsel for the parties and perusing the record, it is apparent that the vehicle in question was seized by the Police under the Act and confiscation proceedings are also initiated by SDM, Ballabgarh. This Court time and again has held that the vehicle seized under the Act, can be released on *superdari* to its registered owner, if it is likely to deteriorate by prolonged retention in police custody, and if the



registered owner satisfies the conditions imposed by the Court. The trial of the case will take sufficient long time and no purpose will be served by keeping the vehicle parked in the police station which is converting into junk with the passage of time. Since March, 2025, the said vehicle is in possession of the police and its value is being depreciated due to non usage. The vehicle is said to be only source of income of the petitioner to earn his livelihood.

7. Keeping in view the facts and circumstances of the case on the anvil of law settled and judgments relied upon by counsel for the petitioner, the impugned order dated 24.03.2025 is *set aside* and the vehicle in question is ordered to be released on *superdari* to its registered owner, to the satisfaction of the trial Court, which will be free to impose any condition if finds necessary in the fitness of the circumstances. The State would be at liberty to avail its remedy in case the petitioner is found to have violated any of the conditions of *superdari*.

8. Petition stands allowed.

12.12.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE

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