

2025:PHHC:101976



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

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CWP-21570-2025 (O&M)  
Date of decision: 05.08.2025

**Asgar @ Asgar Khan****...Petitioner**

**Versus**

**State of Haryana and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

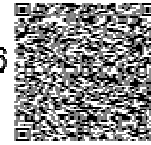
Present:- Mr. Munfaid Khan, Advocate  
for the petitioner.

**MANISHA BATRA, J. (Oral)**

1. The instant civil writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari for quashing the orders dated 24.08.2023 and 08.05.2025 (Annexures P-3 and P-9), passed by respondents No. 4 and 2, respectively, whereby the prayer made by the petitioner for releasing the vehicle bearing registration number HR-74-B-9722, which was seized in case bearing FIR No. 288 dated 12.08.2023, registered under Section 5/13(2) and 17 of the Haryana Govansh Sanrakshan & Gosamvardhan Act, 2015, Section 25 of the Arms Act, 1959, Section 11 of the Prevention of Cruelty to Animals Act and Sections 279, 336, 307 and 120-B of IPC at Police Station Ferozepur Jhirka, Nuh, had been declined.

2. Learned counsel for the petitioner has submitted that the petitioner is the registered owner of the aforementioned vehicle, which falsely been involved and seized in the aforesaid case. The same is lying the police station concerned for the last about two years. The petitioner has moved an

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application before respondent No. 3-Sub Divisional Magistrate, Ferozepur Jhirka for release of the said vehicle on superdari in favour of the petitioner but the same had been dismissed, vide impugned order dated 24.08.2023. Thereafter, the petitioner had filed an appeal against the said order before respondent No. 2-Deputy Commissioner, Nuh. However, the appeal had been dismissed by passing the impugned order 08.05.2025 without affording opportunity of hearing to the petitioner.

3. After hearing learned counsel for the petitioner and going through the record, it is apparent that the appeal preferred by him against the order dated 24.08.2023 had been dismissed by respondent No. 2 on account of the fact that there was no appearance on his behalf on 08.05.2025. Obviously, the aforesaid lapse on the part of the petitioner was due to his carelessness but at the same time, it has also to be seen that he should not be condemned unheard. Accordingly, the present petition is partly allowed. The impugned order dated 08.05.2025, passed by respondent No. 2, is hereby set aside. The respondent No.2 is directed to restore the appeal and decide the same afresh in accordance with law after affording an opportunity of hearing to the petitioner.

**05.08.2025***Waseem Ansari***(MANISHA BATRA)  
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*