

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

265

2025:PHHC:155718



CRM-M-48704-2025 (O&M)
Date of decision: 11.11.2025.

SHASHI KANT

...Petitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHER ...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. Amulya Dhingra, Advocate,
for the petitioner(s).

Mr. Onkar Singh Wahla, Sr. DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Seeking modification of the impugned order dated 16.07.2025 passed by the Judicial Magistrate First Class, Rewari, in case bearing FIR No.135 dated 09.07.2019, under Sections 379-A and 342 of the Indian Penal Code, 1860, registered at Police Station Dharuhera, Rewari, to the extent whereby the Illaqa Magistrate has directed furnishing of superdginama in the sum of Rs.4 Lakh with one surety in the like amount as well as indemnity bonds with one surety in the like amount to the satisfaction of the concerned SHO before release of the vehicle, the instant petition has been filed.

Learned counsel appearing on behalf of the petitioner contends that the petitioner is the registered owner of vehicle bearing Registration No.HR-55-AD-3147, Chassis No.MA3EJKD1S00B68971 and Engine

No.K12MN2248028, purchased in an open auction conducted by M/s ANI Technologies Pvt. Ltd (Ola) in the year 2023. He contends that after having purchased the vehicle, the petitioner was served with a notice from the Rewari Courts whereupon he came to know that the above vehicle was a case property in the aforementioned FIR. He contends that the petitioner thereafter moved an application for release of the vehicle on superdari. Vide order dated 16.07.2025, the trial Court directed the release of the vehicle to the petitioner but subject to certain conditions. The relevant extract of the order dated 16.07.2025 reads thus: -

“Hence, the application is hereby allowed in the interest of justice in view of law laid down by Hon'ble Apex Court of India in case titled Sundarbai Amabalal Desai versus State of Gujrat 638 AIR 2003 SC 1943. Accordingly, vehicle HR-55AD-3147 be released on superdari to applicant Prem on his furnishing Superdginama in the sum of 4 Lakhs/ with one surety in the like amount as well as indemnity bonds with one surety in the like amount subject to satisfaction of concerned SHO. It is further directed as follows:-

- 1. That the applicant will not dispose of the vehicle in question without prior permission of the Court or till the decision of the Case,*
- 2. That the applicant will not change the nature of the vehicle in question without prior permission of the Court or till the decision of the Case.*
- 3. That the applicant will produce the vehicle in question as and when required by the Court and other general conditions.*
- 4. That a proper detailed punchnama along with photographs (videography on mobile phone or other electronic media, if required) be taken on record. which shall be used as evidence in later proceedings under the Sanhita*

as mandated by Section 497 of BNSS.”

Counsel contends that condition No.4 specifically takes care of the apprehension expressed by the trial Court as regards the maintainability of the case property. The said apprehension stands obviated since a detailed punchnama along with photographs (videography on mobile phone or other electronic media) has been ordered in the present case, hence, there is no rationale behind directing furnishing of superdginama in the sum of Rs.4 Lakhs with one surety in the like amount as well as indemnity bonds with one surety in the like amount to the satisfaction of the concerned SHO before release of the vehicle.

Status report by way of an affidavit of Dr. Ravinder Kumar, HPS, Deputy Superintendent of Police, HQ Rewari, District Rewari, on behalf of respondent-State has been filed in the Court today. A copy thereof has been supplied to the counsel for the petitioner. It is mentioned therein that initially the FIR in the present case was registered on the basis of statement of one Satish son of Ganga and eventually, Prem Singh son of Om Parkash was arrested in the case. The aforesaid vehicle Maurti Swift Dezire was got recovered pursuant to the disclosure made by Prem Singh son of Om Parkash. The car was accordingly taken in possession by the police. It is stated that the order in question was revisable and that the petitioner could have availed the remedy of revision before the Sessions Court. There is, however, no assertion as regards the prayer made by the petitioner and as to why the same ought not be accepted.

I have heard the learned counsel appearing for the respective parties and have gone through the documents appended along with the

present petition with their able assistance.

Undisputedly, the vehicle in question is a case property and the petitioner having purchased the same in an open auction, is the registered owner of the same. Already a direction has been issued by the Court to release the said vehicle. Counsel for the petitioner, however, contends that since the petitioner is a taxi driver and had purchased the vehicle in an open auction conducted by M/s ANI Technologies Pvt. Ltd (Ola) in the year 2023, hence, he has no resources to arrange for the superdginama in the sum of Rs.4 lakhs along with the indemnity bond along with surety of like amount. Apparently, the condition imposed for release of the vehicle far exceeds the value of the same. Accordingly, the furnishing of superdginama in the sum of Rs.4 Lakhs with one surety in the like amount as well as indemnity bonds with one surety in the like amount to the satisfaction of the concerned SHO before release of the vehicle as directed by the Judicial Magistrate First Class, Rewari, vide order dated 16.07.2025 as corrected vide order date 22.07.2025, is modified. The vehicle in question is ordered to be released on furnishing of personal surety bond in the sum of Rs.1 lakh by the petitioner. All other conditions shall remain same.

The petition is accordingly disposed of.

November 11, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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