



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

CRR-2322-2024(O&M)

Date of Decision:-11.08.2025

Gurinder Singh.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sagar Dangi, Advocate for
Mr. J.P. Jangu, Advocate for the Petitioner.

Mr. T.P. Singh, Senior DAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

CRM-46129-2024

The prayer in the application under Section 5 of the Limitation Act is for condonation of delay of 98 days in filing the present revision petition.

Heard.

For the reasons stated in the application, the same is allowed and delay of 98 days in filing the present revision petition is condoned.

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The present revision petition has been preferred against the order dated 04.05.2024 passed by Additional Sessions Judge, Jind in case titled as State of Haryana Vs. Gurinder bearing FIR No.392 dated 24.12.2020 under Section 15(c), 25, 29, 59 of NDPS Act (Sections 7, 7A, 8



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of (Prevention of Corruption Act and Sections 120-B, 192, 196, 201, 202, 203, 217, 406, 166-A IPC added later on) at P.S. Uchana, District Jind (Annexure P-1) vide which the prayer of the petitioner for the release of the vehicle bearing no.HR-45-C-9998 has been rejected.

2. The brief facts of the case are that the FIR came to be registered and the recovery of 398 Kgs and 150 grams of Dodda Post came to be effected.

3. The petitioner filed an application for releasing the vehicle bearing no.HR-45-C-9998 on superdari which application has been dismissed. It is this order which is under challenge in the present petition.

4. The Counsel for the petitioner contends that the petitioner is the registered owner of the truck and is in need of the same. If the truck is not released on superdari it's value would diminish on a day to day basis. The petitioner is willing to satisfy any condition imposed by this court.

5. The Counsel for the State on the other hand while referring to the reply dated 20.01.2025 contends that there is a delay of 90 days in filing the present application. He contends that the vehicle would not be released on superdari as it is likely to be misused. He however has not disputed the factual position that the said vehicle is in custody of the police since 04.12.2020.

6. I have heard the counsel for the parties.

7. In ***Sunder Bhai Ambala Desai's case (supra)*** the Hon'ble Supreme Court has held as under:-

“ 15. Learned senior counsel Mr. Dholakia, appearing for the State of Gujarat further submitted that at present in the police station premises, number of vehicles are kept unattended and vehicles become junk day by day. It is his contention that appropriate directions should be given to the Magistrates who are dealing with such questions to hand over such vehicles to its owner



or to the person from whom the said vehicles are seized by taking appropriate bond and the guarantee for the return of the said vehicles if required by the Court at any point of time.

16. However, the learned counsel appearing for the petitioners submitted that this question of handing over vehicles to the person from whom it is seized or to its true owner is always a matter of litigation and a lot of arguments are advanced by the concerned persons.

*17. **In our view**, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.*

18. In case where the vehicle is not claimed by the accused, owner, or the insurance company or by third person, then such vehicle may be ordered to be auctioned by the Court. If the said vehicle is insured with the insurance company then insurance company be informed by the Court to take possession of the vehicle which is not claimed by the owner or a third person. If Insurance company fails to take possession the vehicles may be sold as per the direction of the Court. The Court would pass such order within a period of six months from the date of production of the said vehicle before the Court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.

19. For articles such as seized liquor also, prompt action should be taken in disposing it of after preparing necessary panchnama. If sample is required to be taken, sample may kept properly after sending it to the chemical analyser, if required. But in no case, large quantity of liquor should be stored at the police station. No purpose is served by such storing.

20. Similarly for the Narcotic drugs also, for its identification, procedure under Section 451 Criminal Procedure Code, 1973 should be followed of recording evidence and disposal. Its identity could be on the basis of evidence recorded by the Magistrate. Samples also should be sent immediately to the Chemical Analyser



so that subsequently, a contention may not be raised that the article which was seized was not the same.

21. However these powers are to be exercised by the concerned Magistrate. We hope and trust that the concerned Magistrate would take immediate action for seeing that powers under Section [451](#) Criminal Procedure Code, 1973 are properly and promptly exercised and articles are not kept for a long time at the police station, in any case, for not more than fifteen days to one month. This object can also be achieved if there is proper supervision by the Registry of the concerned High Court in seeing that the rules framed by the High Court regard to such articles are implemented properly.

Adjourned for three weeks.

Order accordingly.”

8. The aforesaid judgment has been followed by this Court in ***Gurbinder Singh @ Shinder Vs. State of Punjab 2016(4) RCR (Criminal) 492***.

9. In view of the aforementioned judgments it is apparent that if a vehicle remains parked in the police station for a considerable period of time, it would become unfit for plying on the roads as keeping it parked in the sun and rain could damage its tyres, colour, machinery, battery as also interiors of the vehicle. The value of the vehicle would diminish in such a situation.

10. Thus the present petition is allowed. The vehicle i.e. Truck bearing registration No. HR-45-C-9998 is ordered to be released to the petitioner/registered owner on superdari on general terms and conditions subject to the petitioner/registered owner executing personal bonds in the sum of Rs.2,00,000/- with one surety of the like amount to the satisfaction of the CJM/Duty Magistrate with an undertaking that as and when the Trial Court would require the said vehicle, he would produce the same before it at his own cost. He shall also not sell, transfer or alter the physical condition



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of the vehicle in any manner. He shall also furnish an undertaking that he will not use or permit its use for commission of any offence and in case of involvement of the petitioner or the aforementioned vehicle in any case it would be open to the prosecution to move an application for cancellation of the order releasing the vehicle on superdari.

9. Disposed of in the above terms.

**(JASJIT SINGH BEDI)
JUDGE**

August 11, 2025
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>