

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56831-2024

Mukesh Kumar ...Petitioner
Versus
State of Haryana ...Respondent

CRM-M-57150-2024

Mukesh Kumar ...Petitioner
Versus
State of Haryana ...Respondent

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL
01.10.2025	17.11.2025	FULL PRONOUNCED

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Abhinav Singla, Advocate
for the petitioner.

Mr. Rakesh Jangra, AAG, Haryana.

ANOOP CHITKARA, J.

1. This order shall dispose of two petitions as mentioned above. For brevity, facts have been taken from CRM-M-56831-2024, *titled Mukesh Kumar vs. State of Haryana*.
2. Aggrieved by the dismissal of the application for release of vehicles, i.e., Tractor and car, the petitioner, being the Special Power of Attorney holder of the registered owner of the vehicle, has come up before this Court, seeking its release.
3. The petitioner has attached a copy of the registration certificate as Annexure P2. The Registration Certificate for the Tractor states that it has been registered in the name of Mahender, s/o Bhagirath. The chassis No. is KZBDR1123185S3; Engine No. 4105NU14E1058218F16; Model number D1 60 HDM + S2. The tractor is hypothecated to RBL Bank Limited and has been registered under registration number HR24AE2163.
4. The other vehicle is a Tata Harrier, and the Registration Certificate states that the tractor in question has been registered in the name of Mahender, s/o Bhagirath. The

chassis No. is MAT631115LPA50924; Engine No. 46336890-4060241; Model number HARRIER XZ 2.0 L KRYOTEC BSIV. The SUV is hypothecated to SK Finance Limited and has been registered under registration number HR-52G-5151.

5. Vide Annexure P1, the registered owner, Mahender, has given power of attorney in favor of the petitioner, Mukesh, regarding the above-captioned tractor and car.

6. The tractor and car in question were taken into possession by the police because of their involvement in FIR No. 297 dated 29th October 2023 registered in the police station Nathu Sarai Chopta, District. Sirsa, Haryana, for the Commission of offences punishable under sections 302, 323, 341, 506, 147, 148, 149, 212, 427, & 506 IPC. The copy of the FIR is attached as Annexure P3.

7. The power of attorney holder Mukesh Kumar, present petitioner, filed an application before the Additional Sessions Judge, Sirsa, for the release of the tractor and SUV on Superdari. The learned Additional Session Judge issued notices and called for responses, and, as per the responses dated 23rd August 2024, the Investigator opposed and objected to the release of the tractor and SUV on the grounds of their involvement in a heinous criminal offense. Based on such objection, vide the impugned orders dated 23rd August 2024, passed by the Additional Session Judge, Sirsa, the said application for release was dismissed.

8. A perusal of the impugned orders dated 23rd August 2024 passed by Sessions Judge Sirsa, points out that the tractor was not released because investigation was not complete and some of the co-accused were yet to be arrested and if the vehicle is not produced before the trial court at the appropriate stage, then it will weaken the case of the prosecution and as such vehicle was not released.

9. Feeling aggrieved, the power of attorney holder Mukesh Kumar had come up before this court under Section 528 of the BNSS 2023.

10. Vide orders dated 14th November 2024 and 19th November 2024, a coordinate bench of this Court had issued notices. Pursuant to that, the concerned DySP has filed their replies dated 2nd December 2024 and 17th December 2024. A perusal of the reply clearly points out that the tractor and car were used by the accused persons in the heinous offense.

11. The counsel for the petitioner seeks release of the tractor and SUV, whereas counsel for the State opposes the same on the ground as mentioned in the order passed by the Additional Session Judge while dismissing the application for the release.

12. In Amit Tanwar v. State of Haryana, Neutral Citation 2025-PHHC-155773,

decided on 12-Nov-2025, this Court while confining the pronouncement to the release of those vehicles which are not required to be confiscated under any Statute or Judicial Orders, observed as follows:

[21]. The primary reason for the refusal to release the vehicle assigned by the Ld. Judicial Magistrate is the objections raised by the police that the co-accused are yet to be arrested and the vehicle is a case property.

[22]. If we assume that the co-accused are never arrested or arrested after a considerable time, would it be justifiable to keep the vehicle with the police for ages? If the incident had taken place in a metro or a plane, or by firing from the door of a train, would such vehicles be seized, and hypothetically if yes, for how many years simply because the accused is not available or cannot be arrested? Rather, it would be let off after conducting a forensic science examination and a proper search. Had the incident taken place in a battery-operated rickshaw, usually driven by people with meagre means, or in a taxi, which is hypothecated and monthly installments of loan and interest have to be paid against advanced postdated cheques or standing debit instructions, should the livelihood of such a person be put at stake simply because the incident/accident had taken place in their vehicle?

[23]. If the vehicle is kept in a police parking lot, its value would depreciate, it would rust and decay, and the windowpanes would likely break, the color would fade away, significantly altering its appearance, making it impossible for any person to identify the vehicle. If the vehicle is left in a seized condition, it will lose roadworthiness, turn into junk, and eventually exceed the time limit for which it was designed and approved to run on the roads. Additionally, the case property being stolen, released, or destroyed under misidentification, or lost can also not be ruled out. Further, at the time the vehicle was produced, so many carbon emissions occurred in the process, during extraction, and through rollout from the production line, and immense damage to the planet has already been done.

[24]. If the vehicles are kept in police custody till the completion of the investigation, not only would the livelihood of all such people be adversely affected and put on the line, but they would also be pushed into deep pits of debt, and the banks that had financed the vehicles would also be affected. Further, this Court cannot lose sight of the fact that the open spaces in and outside the police stations have abundant seized vehicles, and even if those are produced at the time of trial, because of the perennial exposure to the Sun, dust, rain, and storms, it would be challenging for a person to assuredly gauge about its involvement or non-involvement. In case of stolen vehicles, identification becomes even more complicated. Thus, the remedy does not lie in keeping vehicles parked at police stations, but in resorting to digital evidence.

[25]. Thus, from whatever angle it is seen, keeping the vehicle in police possession for years is not going to serve any purpose. The solution is to record a video of the vehicle and to play the same to the victims/witness(s), so that it can be easily identified. Needless to say,

digital evidence can be stored indefinitely simply by upgrading the technology.

[26]. Given above, the impugned order dated 13-11-2024 passed by the Ld. Judicial Magistrate, Gurugram, dismissing the release application, and orders dated 08-04-2025 and 20-08-2025 passed by Ld. Additional Sessions Judge, Gurugram, dismissing the revision petition, are set aside. The concerned Court, upon verifying the registration certificate and ascertaining that the petitioner is the registered owner of the vehicle sought to be released, shall consider ordering the release of the vehicle to the petitioner. If the vehicle is found to be hypothecated, information about its release will also be sent to the relevant financial agency.

[27]. On receipt of the orders from any Court, the Investigator/ SHO/ Supervisory Officer shall, without any unnecessary delay, proceed to take steps for the vehicle's release.

[28]. The release of the vehicle mentioned above on *superdari* shall be subject to the petitioner taking the following steps, within 60 days, and subject to the conditions mentioned in this order:

A. The forensic science examination and proper search of the vehicle shall be conducted, if required, by the Investigator/SHO, and if not already done.

B. A Mechanical Report shall be prepared by any expert, through the Investigating Agency, if required, by the Investigator/SHO.

C. By following the procedures of Section 63 BSA, 2023 [Corresponding to 65-B of Evidence Act, 1872], photos of the vehicle shall be taken from all directions, photo(s) of the chassis number, Engine number, Registration plates, if any, and photo(s) of the claimant/registered owner with the vehicle sought to be released, with one printout for the Court, two for the Investigator, one for the claimant, and one each for all accused be obtained. The petitioner/registered owner shall bear the cost of the photographs. The digital photographs shall be uploaded to the Investigating Agency's official web page(s).

OR/AND

By following the procedures of Section 63 BSA, 2023 [Corresponding to 65-B of Evidence Act, 1872], the SHO shall direct making a high-quality/high-density video recording of the vehicle from all directions, also from opening the bonnet and cabin, including chassis number and the Engine number, and same to be copied in at least two digital devices, e.g., pen-drives, and the brand-new and unopened pen-drives/ any other device shall be provided by the petitioner to the SHO/IO, and one copy, duly sealed in a parcel, shall be for the Court, and the video shall be uploaded to the Investigating Agency's official web page(s).

D. The Petitioner(s) shall file Affidavit(s) declaring that the Applicant is the registered owner of the vehicle or its

purchaser, if the name does not reflect on the registration certificate, and shall annex self-attested copies of all documents of purchase, or authorized agent, or is power of attorney holder of any of the above, and produce the original documents for comparison, and that neither the Applicant nor the registered owner of the vehicle or its purchaser or authorized agent, or power of attorney holder, as the case may be, shall claim any prejudice.

E. The Registration Certificate of the vehicle/purchaser shall be returned to the Applicant by keeping an authenticated copy for the records.

F. Subject to clearing hypothecation, if any, the seizure shall not be construed as any binding, obstruction, or hindrance in the ownership rights of the registered owner of the vehicle, or its subsequent purchaser, who shall be entitled to sell, hypothecate, if not prohibited by any other order issued by any Court or a Quasi-Judicial Authority. Given that all the relevant evidence, if any, has to be collected before releasing the vehicle, following which its owner, registered or otherwise, shall be entitled to make alterations in the vehicle, including a change of colour, exterior, or interior, etc.

[29]. The photographs, in digital as well as physical, and video-recordings taken above shall be used as evidence in any inquiry, trial, or other proceeding under §497(4) of the BNSS, 2023.

13. Ld. Sessions Court to order the release of the above captioned vehicle in accordance with the guidelines in Amit Tanwar v. State of Haryana, Neutral Citation 2025-PHHC-155773.

14. This order is subject to compliance within sixty days, failing which it shall lapse and shall stand being recalled automatically on the 61st day, under §§403 & 528 BNSS,2023 [Corresponding to §§362 & 482 CrPC, 1973] without any further reference to this Court.

15. **Petition allowed in terms mentioned above.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

Nov 17, 2025
Jyoti Sharma

Whether speaking/reasoned	YES
Whether reportable	NO