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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 5520/2025**

JAI RAM PAL

.....Petitioner

Through: Mr. Rahul Sharma, Mr. Gyan Ranjan,
Mr. Anubhav Sindu, Mr. Madhav,
Ms. IRA Dmasmana and Ms.
Anuradha, Advocates along with
Appellant in person.

versus

STATE, NCT OF DELHI

.....Respondent

Through: Mr. Hemant Mehla, APP for State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.08.2025

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1. The present petition under Section 528 of the Bharatiya Nagarika Suraksha Sanhita, 2023¹ is directed against the order dated 29th May, 2025, passed by the Sessions Judge in Crl. Revision No. 137/2025. By the said order, the Sessions Judge upheld the order of the Trial Court dated 6th May, 2025, whereby the Petitioner's application for release of his vehicle bearing registration number DL-1MA 4260 on *superdari* was dismissed.
2. The aforesaid proceedings emanate from FIR No. 38/2025, registered at P.S. Narela, for the offences under Sections 281/106(1) of the Bharatiya Nyaya Sanhita, 2023.² The Petitioner is the owner of the aforesaid vehicle, which was allegedly involved in an accident forming the subject matter of the said FIR.

¹ "BNSS"



3. The Petitioner's application for release of the vehicle on *superdari* was rejected by the Trial Court primarily on the ground that the vehicle was not insured. It was observed that in such circumstances, and particularly in view of the Petitioner's inability to furnish any FDR equivalent to the value of the vehicle, the only available remedy for the legal heirs of the deceased was to seek compensation from the value of the said vehicle. Subsequently, the Petitioner's challenge to the said order by way of revision was also declined by the Sessions Judge. Aggrieved, the Petitioner has filed the instant petition.

4. Mr. Rahul Sharma, counsel for the Petitioner, submits that the Petitioner is a person of limited means and is not in a financial position to furnish an FDR for the indemnity amount of ₹8,00,000/-, as directed by the Trial Court. He submits that the vehicle in question is a commercial vehicle and constitutes a vital source of livelihood for the Petitioner. Owing to its prolonged impoundment, the vehicle is likely to lose roadworthiness and depreciate in value. It is further submitted that the Petitioner has a good case on merits and may ultimately be acquitted. In such a situation, continued impounding of the vehicle would serve no purpose. Mr. Sharma further admits that the vehicle was uninsured, and therefore, any depreciation in its value may also impact the interests of the victim's family.

5. Mr. Sharma states that the Petitioner is willing to deposit a part of the indemnity amount forthwith and the balance amount be permitted to be deposited in instalments.

6. Considering the overall facts and circumstances of the case, it is directed that the Petitioner shall deposit a sum of ₹4,00,000/- in the form of

² "BNS"



an FDR in the name of the District and Sessions Judge, Rohini Courts, North-East District, within a period of four weeks from today. Upon submission of the said FDR, the vehicle in question shall be released to the Petitioner on *superdari*. The remaining amount of ₹4,00,000/- shall be deposited by the Petitioner by way of monthly instalments of ₹25,000/- each, also in the form of FDRs, before the Trial Court.

7. It is clarified that in the event of any breach of the aforesaid conditions, the Trial Court shall be entitled to pass appropriate orders, including re-impounding of the subject vehicle, in accordance with law.

8. In the above mentioned, the present petition is disposed of along with pending application.

SANJEEV NARULA, J

AUGUST 12, 2025/MK