



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

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**RSA-1910-2002 (O&M)
Reserved on:25.02.2026
Pronounced on:29.04.2026**

M/S JASWANT SINGH

...APPELLANT

VERSUS

THE PUNJAB STATE AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Sudeep Mahajan, Senior Advocate with
Mr. Sachi Mahajan, Advocate,
Mr. Shiv Charanjit, Advocate
Mr. Samridham Goyal, Advocate
for appellant.

Dr. D.S. Lamba, Addl. A.G., Punjab

PARMOD GOYAL, J.

Present regular second appeal has been preferred by appellant-plaintiff being aggrieved by judgment and decree dated 17.01.2002 passed by learned District Judge, Gurdaspur whereby first appeal preferred by respondents-defendants was allowed and amount of compensation/damages awarded to appellant-plaintiff by learned Court of First Instance vide judgment and decree dated 19.03.1999 was reduced from Rs.1,07,940/- to Rs.3,000/-.

2. Dispute in present case is short. Appellant-plaintiff had filed a suit for recovery of Rs.1,40,940/- out of which Rs.107,440/- was principal and Rs.35,550/- was interest. It was the case of appellant-plaintiff that he is owner of trucks bearing registration No.PUP-6425 and PBC 979, which were available to the public for hire purposes. On 16.05.1991, said trucks were hired by respondents-defendants through defendant No.4 for transportation of cement bags from godown at Madhopur to godown at

Mamoon. The hire charges were agreed as Rs.610/- per trip. Four trips were carried out by trucks of appellant-plaintiff on 16.05.1991 and 17.05.1991. However, an FIR No.82 was got registered with Police Station City Pathankot and during investigation, the said trucks were taken in custody by police on 17.05.1991 and were released only on 12.09.1991 and 16.09.1991. Appellant-plaintiff, accordingly, claimed unpaid charges for 16.05.1991 and 17.05.1991 amounting to Rs.2,440/- and Rs.1,05,000/- for loss suffered by appellant-plaintiff on account of seizure of trucks by police from 17.05.1991 to 12.09.1991/16.09.1991.

3. Respondents-defendants had contested the suit by way of filing written statement. Defendants No.2 and 3 had denied that defendant No.4 had authority to hire trucks and therefore, claimed that Department is not liable for his actions.

4. Both the Courts below have found that hiring of trucks by defendant No.4 was within scope of his duties and it was defendant No.4 who had hired the trucks and could have hired the trucks for the Department. Both the Courts have also recorded finding of fact that cement was actually transported from godown of respondents-defendants to other godown at Mamoon as was pleaded by appellant-plaintiff. Accordingly, both the Courts held appellant-plaintiff entitled to payment of unpaid trips taking that even if defendant No.4 had acted illegally even then since hiring of truck was within scope of duty of defendant No.4, therefore, being his employer/principal, State would be liable to pay the amount for which trucks were hired. Learned Court of First Instance had also accepted plea of appellant-plaintiff that he had suffered loss of Rs.1,05,000/- on account of seizure of trucks

from 17.05.1991 to 12.09.1991/16.09.1991 in FIR No.82, which was lodged for illegal transfer of cement bags from Government godown to private godown.

5. Learned First appellate Court had reversed the finding of learned Court of First Instance, thereby concluding that defendants No.1 to 3 are not at fault for seizure of trucks. It was held that seizure of trucks was made by police in *bona fide* manner during investigation of FIR No.82 and accordingly held that respondents-defendants are not liable to pay damages for the seizure.

6. Therefore, in present case, the sole question is whether appellant-plaintiff is entitled for compensation on account of seizure of trucks by police from 17.05.1991 to 12.09.1991/16.09.1991 in FIR No.82 registered with Police Station City Pathankot. Admittedly, defendant No.4 was prosecuted in FIR No.82, however, was acquitted by First Appellate Court and seizure of trucks was not made by respondents-defendants. Trucks were seized by police in exercise of powers vested in it during investigation of FIR No.82 *bona fide*ly, believing that seizure of trucks is required for investigation of the case. As far as respondents-defendants are concerned, they cannot be held liable for seizure of trucks of appellants-plaintiffs. The acquittal of defendant No.4, exonerate even defendant No.4 from liability to pay damages for seizure as he has not been found guilty of doing any illegal act for which trucks were seized by police. Seizure was effected by police only during investigation and after acquittal of defendant No.4, neither defendant No.4 nor defendants No1 to 3 are liable for damages for seizure of trucks by police.

7. In view of above, I do not find any error in the approach of learned First Appellate Court. First Appellate Court has rightly concluded that no damages are payable to appellant-plaintiff for seizure of trucks *bona fidely* made by police. Hence, present appeal is dismissed being without any merit.

8. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

29.04.2026
Sunil Chander

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