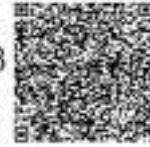


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

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**CRM-M-19109-2026 (O&M)**  
**Date of decision: 09.04.2026**

**Malkeet Singh****...Petitioner**

**Versus**

**State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

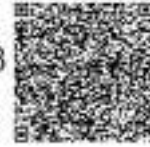
Present:- Mr. P. S. Jammu, Advocate  
for the petitioner.

**MANISHA BATRA, J. (Oral)**

1. Prayer in this petition, filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for quashing of order dated 03.02.2026 (Annexure P-4), passed by the Court of learned Chief Judicial Magistrate, Sirsa in case arising out of FIR No. 20 dated 12.01.2026, registered under Section 194(2) of BNS, 2023 and 25 of the Arms Act at Police Station City Sirsa, whereby an application moved by the petitioner for release of the vehicle bearing registration number HR-26-BM-5723 on *sapurdari*, had been dismissed. The petitioner has also laid challenge to the order dated 17.03.2026, passed by the Court of learned Additional Sessions Judge, Sirsa, whereby the revision petition filed by the petitioner against the aforementioned order had been dismissed.

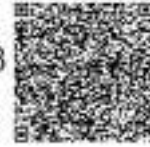
2. Learned counsel for the petitioner has argued that the impugned orders are liable to be set aside as the same had been passed by the learned Courts concerned without applying their judicious mind. The aforementioned FIR has been registered against the petitioner. The Courts concerned have

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refused release of the vehicle on the ground that the vehicle had been previously involved in another criminal case and was found to be repeatedly used in unlawful activities. It is argued that the petitioner is the undisputed registered owner of the vehicle in question and the said fact stands duly verified from official records and even the prosecution has raised no objection to its release. The continued retention of the vehicle in police custody serves no fruitful purpose, particularly when the same is not required for any investigative or evidentiary purpose and its prolonged exposure at the police station is likely to result in irreparable deterioration and pecuniary loss to the petitioner. It is further contended that refusal to grant *sapurdari* solely on the basis of alleged prior involvement of the vehicle is unjustified, especially when in the earlier case the vehicle had already been released on *sapurdari* to him and there is no conclusive finding establishing habitual misuse by the petitioner. The impugned order, therefore, suffers from non-application of mind and is contrary to the settled principle that seized property, particularly vehicles, should ordinarily be released to the owner subject to appropriate conditions and safeguards. The petitioner undertakes to abide by any condition imposed by this Court including furnishing surety and producing the vehicle as and when required. It is, thus, urged that the petition deserves to be allowed and the impugned orders are liable to be set aside. In support of his arguments, learned counsel for the petitioner has relied upon the authorities cited as ***Gurbinder Singh @ Shinder vs. State of Punjab : 2016 (4) RCR (Criminal) 492***, ***Amninder Singh vs. State of Punjab : 2016 (3) RCR (Criminal) 1007***, ***Rahul Kumar @ Rai vs. State of Punjab : 2019 (3) Law***

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***Herald 2266, Satnam Singh vs. State of Punjab : 2021 (1) DC Narcotics 548***  
and ***Jagdev Singh vs. State of Punjab : 2020 (4) RCR (Criminal) 574.***

3. Notice of motion.

4. Ms. Himani Arora, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State. Learned State counsel has argued that there is no illegality or infirmity in the impugned orders. The vehicle of the petitioner had been repeatedly involved in criminal activities, including the present case, in violation of earlier *sapurdari* conditions, and therefore, the Courts concerned had rightly declined its release to the petitioner. It is, thus, urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. It is not in dispute that the petitioner is the registered owner of the vehicle in question. The primary ground for declining *sapurdari* by the Courts below is the alleged prior involvement of the vehicle in another case. However, such a circumstance, in the absence of any statutory bar or compelling necessity for continued seizure, cannot be considered to be a sufficient ground to deny release, particularly when the vehicle is not required for the purposes of investigation or trial. It is a settled principle that seized property, especially vehicles, should not be allowed to remain in police custody for an indefinite period as the same is bound to suffer deterioration, resulting in avoidable loss to its owner. The apprehension of possible misuse can be effectively taken care of by imposing stringent conditions and securing appropriate undertakings from the petitioner. In these circumstances, the impugned orders reflect an overly restrictive approach and warrant

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interference by this Court. Accordingly, the present petition is allowed. The impugned orders are set aside and the aforementioned vehicle is ordered to be released on *sapurdari* to the petitioner subject to his furnishing adequate surety to the satisfaction of the trial Court, along with an undertaking to produce the vehicle as and when required and not to use the same for any unlawful activity, failing which the State shall be at liberty to seek cancellation of the *sapurdari*.

09.04.2026

*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*