



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

248

CRR-2287-2025 (O&M)

Date of decision: 13.01.2026

Hakam Khan

...Petitioner(s)

VERSUS

The State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Rahul Soi, Advocate for the petitioner(s)
(through V.C.).

Ms. Savi Nagpal, AAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the order dated 25.08.2025 passed by the Additional Sessions Judge, Patiala in CRM-799-2025 titled as 'Hakam Singh Vs. State of Punjab' whereby the application of the petitioner for seeking release of vehicle i.e. Tata Tipper bearing registration No.PB-10HJ-3434 seized in FIR bearing No.30 dated 14.03.2025 registered under Sections 4(1A) and 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 read with Section 316(4) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Sadar Nabha, was erroneously dismissed.

2. Learned counsel appearing on behalf of the petitioner contends that the aforesaid application of the petitioner was dismissed on the ground that further investigation in the matter is still pending since co-accused/Gurpreet Singh son of Jagtar Singh is yet to be arrested. It is



248

CRR-2287-2025 (O&M)

contended that the said order has been passed notwithstanding that accused/Gurpreet Singh son of Jagtar Singh had been granted the concession of anticipatory bail vide order dated 14.07.2025 passed by the Additional Sessions Judge himself. He contends that apart therefrom, the Police had filed a superdari report before the trial Court wherein as per Clause 3, it has been specifically averred that the Police has no objection to the release of the vehicle in favour of the petitioner. He contends that notwithstanding the aforesaid report dated 21.08.2025 and the order granting bail to accused/Gurpreet Singh son of Jagtar Singh yet, the application had been declined on a flimsy ground.

3. Learned State counsel is not in a position to dispute that the application had been declined for the aforesaid reason that accused/Gurpreet Singh son of Jagtar Singh has not been arrested and the release of vehicle, in such an eventuality, may hamper the investigation. She further does not dispute the fact that the investigation in the present case is already complete and that the accused/Gurpreet Singh son of Jagtar Singh has since then been released on anticipatory bail vide order dated 14.07.2025 and coupled with the fact that the respondent-State had itself submitted in its report that they would have no objection in release of the vehicle in question, hence, I am of the opinion that the impugned order dated 25.08.2025 passed by the Additional Sessions Judge, Patiala deserves to be set aside, the respondents are directed to release the vehicle bearing registration No.PB-10HJ-3434 seized in FIR bearing No.30 dated 14.03.2025 registered under Sections 4(1A) and 21(1) of the Mines and Minerals (Development and Regulation)



248 CRR-2287-2025 (O&M)

Act, 1957 read with Section 316(4) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Sadar Nabha after conducting a thorough videography of the vehicle in terms of Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 in terms of the judgment of this Court passed in **CRM-M-50791-2025** titled as ‘**Amit Tanwar Vs. State of Haryana**’.

4. The petition is *allowed*.

(VINOD S. BHARDWAJ)
JUDGE

13.01.2026
Mangal Singh

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