

IA No.03/2026 in SC 34/2026
State Vs. Sanjay & Ors.
FIR No. 589/2025
PS Bawana
U/s 309(4)/311/3(5) BNS

21.05.2026

This is an application for release of vehicle bearing registration No. HR-79D-3923 on *superdari* moved on behalf of applicant Usha

Present: Dr. Sarita Rani, Ld. Addl. PP for the State.

Sh. Kartik Vaid Bhardwaj, ld. Counsel for applicant.

Reply to the present application filed by **SI Naveen Sharma PS Alipur**, as per which, he has no objection if the aforesaid vehicle be released to the rightful owner.

I have heard the submissions and perused the reply.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat**", AIR 2003 SC 638, wherein it has been held that:

“68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

contd... 2/-

72. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as “**Manjit Singh Vs. State**” in **Crl. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down in the above said case laws, let the vehicle in question bearing registration number **HR-79D-3923** be released to the rightful owner on furnishing **security bond/indemnity bond as per valuation report of the vehicle.** IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant as per directions of Hon'ble Supreme Court. The panchnama as mentioned above be also prepared. The photographs of the vehicle be taken and the cost of the photographs shall be borne by the applicant.

Accordingly, application stands disposed off.

Panchnama, photographs and security bond/indemnity bond be furnished before the concerned SHO.

(Vandana)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
21.05.2026