

26.05.2026

Court is functioning with one Steno.

NI cases are being assigned to this court.

Ld. APP is on Additional Duty.

Present:

Sh. Dhruv Malik, Ld. APP for the State.

Ld. Counsel for the accused.

IO ASI Murli in person.

This is an application for release of vehicle bearing no. **HR38AC2417** on superdari.

Reply has been filed by IO. In the reply of the IO, the IO has taken no objection for the release of the vehicle to its rightful owner.

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***. 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*** wherein it has been held that :

"1. 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.

2. 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.

3. 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.

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

5.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.

6. 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."

Considering the facts and circumstances and law laid down by higher courts, vehicle in question be released to the rightful/registered owner on furnishing security bond in the sum of **Rs. 15,00,000/- (Which represents approximate valuation of the vehicle)**. IO is also directed to obtain the photographs of the aforesaid vehicle as per the directions contained in judgment titled as ***Manjit Singh Vs. State (Supra)***.

After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO. The panchnama be signed by the applicant, the complainant as well as the accused. Panchnama shall be filed in the court alongwith the police report. Let the CDs/ the negatives of the photographs obtained by the IO be placed on record alongwith the colored photographs of the vehicle at the time of filing of the police report.

Application disposed of as allowed.

Copy dasti to the applicant.

(ANURADHA SONKER)
JMFC-12, SOUTH-WEST, DWK
26.05.2026