

41 MISC CRL 830/2026
STATE Vs. UNKNOWN – SUPERDARI APPLICATION
001972/2025 (New Friends Colony)

18.02.2026

Present: Shri Nitish Bhardwaj, learned counsel for accused.

This is an application seeking release of vehicle bearing no. DL 3SFG-5862 on Superdari.

IO has filed his reply to the application filed by the applicant. Same be taken on record.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per direction 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 panchnama ; taking photographs of the vehicle, valuation report conducted by the IO concerned.

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 valuation report should suffice for the purpose 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 the 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 no. DL3SFG-5862** in question be released to the rightful / registered owner on furnishing indemnity bond as per valuation report conducted by the IO. After preparation of panchnama of the vehicle and furnishing of indemnity bond as per direction of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Panchnama and valuation report shall be filed in the court along with charge sheet.

Copy of this order be given dasti to the applicant.

(Vinod Joshi)
ACJM (South-East) Saket Courts,
New Delhi / 18.02.2026