



**131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-27491-2026
Date of decision : 15.05.2026**

Ashish Kumar Tiwari

.....Petitioner

versus

State of Haryana

..... Respondent

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Imtiyaz Hussain, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present second petition is for setting aside the orders dated 12.08.2025 passed by learned ACJM, Palwal, order dated 01.10.2025 passed by learned Additional Sessions Judge, Palwal, order dated 12.09.2025 passed by learned SDM, Hodal and order dated 24.02.2026 passed by learned Deputy Commissioner, Palwal in FIR No.200 dated 04.07.2025, under Sections 5, 13(2), 17 of the Haryana Gauvansh Protection and Gausamvardhan Act, 2015 and Sections 11/59/60 of the Prevention of Cruelty to Animals Act at Police Station Hodal, District Palwal and for release of vehicle bearing Registration No.DL-1LAN-8881 on superdari during pendency of trial.

2. It has been submitted by learned counsel for the petitioner that the petitioner is the registered owner of the vehicle bearing registration No.DL-1LAN-8881. He has submitted that the said vehicle is the sole source of livelihood of the petitioner and his family. He has submitted that the petitioner had accepted an online booking for transporting two cows and one bull/calf near Babri Mod, Hodal and had



no knowledge or intention whatsoever regarding any alleged illegal activity. He submits that the petitioner filed an application before learned ACJM, Palwal for releasing the said vehicle on *superdari*, however, the same was dismissed vide order dated 12.08.2025 keeping in view the provisions of Section 17(3) of The Haryana Gauthansh Sanrakshan and Gausamvardhan Act. Being aggrieved, the petitioner has approached before the learned Additional Sessions Judge, Palwal, however, the same was dismissed vide order dated 01.10.2025. He has submitted that during the pendency of proceedings, the learned SDM, Hodal vide order dated 12.09.2025 ordered confiscation of the vehicle in question. He has submitted that against the said confiscation order, the petitioner preferred appeal/revision before the learned Deputy Commissioner, Palwal, which was dismissed vide order dated 24.02.2026. Thereafter, petitioner has earlier approached this Court by way of filing CRM-M-63859-2025, however, the same was dismissed as withdrawn vide order dated 13.11.2025 with liberty to the petitioner to avail appropriate remedy as available before other forum. Hence, the petitioner is before this Court by way of filing the present second petition. He has relied upon the judgments Mohammad Salman vs. State of Haryana, in CRR-4013-2017; Kulwinder Singh vs. State of Haryana, in CRM-M-3881-2017; Harpal Singh Vs. State of Haryana passed in CRM-M-28724-2017 decided on 08.08.2017; Isran Vs. State of Haryana passed in CRM-M-37389-2016 decided on 16.01.2017 and has submitted that the view taken by the learned trial Court is totally against the statutory provisions and the law settled. Thus, it is submitted that the vehicle bearing registration No.DL-1LAN-8881 be released to the petitioner on *superdari*.



3. Notice of motion.

4. Mr. Sumit Jain, Addl. AG, Haryana accepts notice on behalf of the State. He has submitted that the vehicle in question was taken into police custody in FIR No.200, dated 04.07.2025, which was found to be involved in commission of offence. He submits that the said vehicle has been confiscated/seized by the SDM, Hodal vide order dated 12.09.2025.

5. After hearing counsel for the parties and perusing the record, it is apparent that the vehicle in question was seized by the Police under the Act and confiscation proceedings are also initiated by SDM, Hodal. This Court time and again has held that the vehicle seized under the Act, can be released on *superdari* to its registered owner, if it is likely to deteriorate by prolonged retention in police custody, and if the registered owner satisfies the conditions imposed by the Court. The trial of the case will take sufficient long time and no purpose will be served by keeping the vehicle parked in the police station which is converting into junk with the passage of time. Since August, 2025, the said vehicle is in possession of the police and its value is being depreciated due to non usage. The vehicle is said to be only source of income of the petitioner to earn his livelihood.

6. Keeping in view the facts and circumstances of the case on the anvil of law settled and judgments relied upon by counsel for the petitioner, the impugned orders dated 12.08.2025 passed by learned ACJM, Palwal; 01.10.2025 passed by learned Additional Sessions Judge, Palwal; 12.09.2025 passed by learned SDM, Hodal and 24.02.2026 passed by learned Deputy Commissioner, Palwal are *set aside* and the vehicle in question is ordered to be released on *superdari* to its registered owner, to the satisfaction of the trial Court, which will be free to impose any



condition if finds necessary in the fitness of the circumstances. The State would be at liberty to avail its remedy in case the petitioner is found to have violated any of the conditions of *superdari*.

7. Petition stands allowed.

15.05.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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