

**State Vs. Manoj Kumar (through Applicant/complainant Haider Khan)**  
**FIR No. 223/19**  
**PS I.P Estate**

**27.06.2020**

Present: Ld. APP for State (through VCC over Cisco Webex) .  
Sh. Deepak Kumar Sharma Ld. Counsel for applicant (through VCC over Cisco Webex)  
IO/SI Naveen Kumar (through VCC over Cisco Webex)


**Matter is heard through VCC over CISCO Webex Application from 1:34 PM to 1:41 PM.**

The present urgent application was filed on behalf of the applicant/accused on email id of this court on 25.06.2020. Same is taken up for hearing through VCC in view of Circular No. 6507-6577/CMM/Central/DR/2020 dated 13.06.2020.

This order shall dispose off the application for release of vehicle no. DL-4CNB-9835 on Superdari, moved on behalf of applicant Haider Khan.

In furtherance of directions issued through email dated 25.06.2020, Scanned copy of status report has been sent by IO/SI Naveen Kumar, through the email id of the court, wherein it has been stated that the present FIR was registered in connection with wrongful detention of the the vehicle bearing no. DL-4CNB-9835 upon the complaint of applicant Haider Khan. Further, in the status report as received from the IO, he has raised objection qua the release of vehicle aforesaid, stating that same was recovered from possession of accused Ashok Kumar Yadav, who is yet to join the investigation and NBWs against him already stands issued. It is submitted that without the interrogation of accused Ashok Kumar Yadav, the ownership of vehicle could not be ascertained. Hence, objection is raised qua release of same.

IO/SI Naveen Kumar submits that recovery of the vehicle from the possession of Ashok Kumar Yadav is to be established through his interrogation, as upon telephonic information given by one of the associate of said Ashok Kumar Yadav, the vehicle was recovered from under the I.P Bridge. It is further stated by IO that accused Ashok Kumar Yadav has to be confronted with the Advocate's Sticker and visiting cards affixed on the front and back wind shield of the vehicle and also by confronting him the current meter reading of the vehicle as per which, same has run around 75000 kilometres, whereas, the complainant stated that it was run only 35000 kilometers when same was taken from his possession. It is also stated by the IO that there is a

  
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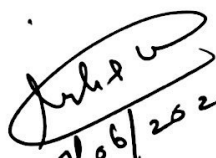
kilometers when same was taken from his possession. It is also stated by the IO that there is a small idol of lord Hanuman which is placed on the inside mirror of the vehicle, and accused Ashok Kumar also deserves to be confronted with same.

It is submitted by the counsel for applicant that applicant Haider Khan is registered owner of the vehicle in question. Scanned copy of R/C and insurance of vehicle in question is also sent with application and same are perused.

On perusal of the report of IO along with the copies of documents appended with application, applicant Haider Khan prima facie appears to be entitled for the custody of the vehicle in question. The further detention of vehicle in police custody on the pretext of impending interrogation of absconding co-accused Ashok Kumar Yadav, does not appear warranted as the ownership of vehicle can be verified by the IO through the concerned Vehicle Registration Authority. So far as the impending confrontation of accused absconding Ashok Kumar Yadav is concerned, same can be done through photographs of the alleged stickers and visiting cards affixed on wind shield of vehicle. Similarly, the interrogation of accused Ashok Kumar Yadav qua the meter reading of vehicle and alleged idol of lord Hanuman placed on inside mirror, can be made through their photographs. Accordingly, the prayer for release of vehicle in question, deserves to be accepted.

In these circumstances and as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No.4485/2013 dated 10.09.2014, the aforesaid vehicle be released to the applicant / registered owner subject to the following conditions:-

1. IO shall verify the ownership details of vehicle in question from the concerned Vehicle Registration Authority within 3 days from the receipt of this order and if applicant Haider Khan is found to be the registered owner thereof, it shall be released to him.
2. Vehicle in question be released to its applicant only subject to furnishing of indemnity bonds as per the value of the vehicle, to the satisfaction of the concerned SHO/ IO subject to verification of documents.
3. IO shall prepare detailed Panchnama mentioning the colour, Engine number,

  
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Chasis number, ownership and other necessary details of the vehicle including the details of stickers, visiting cards, meter reading of vehicle at the time of its recovery/release and details of idols placed in the vehicle, which may be essential for investigation purposes.

4. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chasis number of the vehicle.

5. IO shall take the colour photographs of the stickers, visiting cards, idols placed in vehicle and meter reading of vehicle at the time of its release, from different angles.

6. The photographs should be attested and counter signed by the complainant/applicant and accused persons.

7. IO is directed to verify the insurance of the vehicle in question and release the vehicle after getting it insured by the applicant if the same is not already insured.

Scanned copy of this order is being sent to Sh. Manoj Kumar (Assistant Ahlmad) through whatsapp/email for transmitting the same to the Ld. Counsel for applicant and also to the IO/SHO concerned, for compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.

  
(RISHABH KAPOOR)  
MM-03 (Central), THC, Delhi  
27.06.2020