

12.01.2021

This is an application for releasing vehicle bearing registration No.UP24 AE 0438 on superdari moved by the applicant / AR Sh. Aman Bedi.

Present:- Ld. APP for the State.

Sh. Rishabh Gulati, Id. Counsel for applicant Sh. Aman Bedi, AR of M/s Bharti Axa Insurance Co. Ltd.

It is submitted by Id. Counsel for applicant that the registered owner of the aforesaid vehicle has already taken the insurance claim of the said vehicle. It is further submitted that now the insurance company M/s Bharti Axa Insurance Company Ltd. is the rightful owner of the property since the registered owner has already executed the discharge voucher and letter of subrogation. Copy of the same are also filed.

Perused the reply of IO. IO has no objection to the application. 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,

"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.

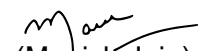
70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

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

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 as law laid down in the above said case laws, let the vehicle in question bearing registration number **No. UP24 AE 0438** be released to the applicant. IO is directed to verify the ownership of vehicle and the other relevant documents i.e. discharge voucher and letter of subrogation. **Photographs of the vehicle be taken by the SHO /IO concerned as mentioned above and shall file the same along with negatives/CD along with challan in the court. Cost of the photographs shall be borne by the applicant / registered owner. The panchnama be also prepared (as mentioned above) before releasing the vehicle.** Copy of this order be given *dasti* to applicant. Panchnama and photographs shall be filed in the court along with charge sheet.


(Manish Jain)

MM-01/West/THC/Delhi:12.01.2021

FIR No.510/2020
u/s 379/411 IPC
PS Punjabi Bagh
S/v Mohd. Irfan Saifi

12.01.2021

Present: Ld. APP for the State.
Sh. Lokesh Garg, Ld. Counsel for accused / applicant Mohd. Irfan Saifi.

An application for grant of bail is moved on behalf of accused Mohd. Irfan Saifi.

Arguments heard on bail application.

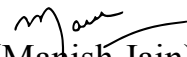
It is submitted by ld. counsel for the accused / applicant that accused has nothing to do with the present case and has been falsely implicated. It is further submitted that accused is in JC since 25.11.2020 in the present case. It is stated that alleged recovery has already been effected and accused / applicant is no more required for any custodial interrogation. It is further submitted that accused is a sole bread earner in his family and the applicant is ready to abide by the terms of the bail.

Reply of IO has been perused.

Bail application is opposed by Ld. APP for the State stating that accused may abscond or tamper with the evidence if released on bail.

Considering the abovesaid submissions and the fact that recovery has been effected, accused / applicant Mohd. Irfan Saifi is no more required for any custodial interrogation. Hence, accused is admitted to bail on furnishing bail bond in the sum of Rs.10,000/- with one surety of like amount subject to following conditions:-

1. That he shall not tamper or intimidate the witnesses.
 2. That he shall appear on each and every date of hearing if he be summoned as an accused.
 3. That he shall furnish his address as and when he changes the same.
- Application is accordingly disposed off.


(Manish Jain)

MM-01(West)/THC:Delhi:12.01.2021

FIR No.
Case no.
PS Punjabi Bagh

12.01.2021

Present: Ld. APP for the State.

(Manish Jain)
MM-01(West)/THC:Delhi
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