



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

CRM-M-34111-2024
Date of decision: 21.08.2025

BHAGYASHALI MEENA

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Sahil Parmar, Advocate
 for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

1. The present petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing/setting aside the order dated 14.02.2024 (Annexure P-5) passed by Ld. Additional Sessions Judge, Nuh in CRR-15-2024 titled as Bhagyashali Meena Vs. State of Haryana ,vide which, revision has been dismissed upholding the order dated 08.02.2024 passed by Ld. SDJM, Ferozepur Jhirka, whereby application for releasing the vehicle bearing Registration No. HR-38-V-9347 (Fake No.RJ-14-GJ-6534) on Superdari in case bearing FIR No.451 dated 06.12.2023 under Sections 5/13(2) and 17 of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (for short “the 2015 Act”), Section 11-59-60 of Animal Cruelty Act, Section 25-54-59 of Arms Act and Section 307 & 120-B of IPC, 1860 registered at Police Station Ferozepur Jhirka, was dismissed.



2. As per prosecution case, one vehicle bearing Fake No. RJ-14-GJ-6534 was apprehended in the aforesaid FIR for violation of provisions of Section 5 of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, which was being used for transporting the cows for the purpose of slaughtering. During investigation, it was found that the actual registration number of the vehicle was HR-38-V-9347. Petitioner applied for releasing the same on Superdari on the ground that she is the registered owner of the said vehicle, which was stolen by some unknown persons and she had lodged FIR No.920 dated 28.10.2023 at Police Station, Sector-58, Faridabad regarding its theft and she being registered owner is entitled to get the same released on Superdari.

3. However, the application was dismissed vide order dated 19.01.2024 on the ground that as per Section 17 of the said Act, whenever any offence punishable under this Act has been committed, the vehicle used in commission of such offence is liable to be seized by the Police Officer and thereafter, it may be confiscated by the competent authority, if competent authority is satisfied that the said vehicle was used for commission of offence under this Act and the order passed by the competent authority can be challenged before Deputy Commissioner. Petitioner challenged the same by way of revision petition but the revision petition was also dismissed vide order dated 14.02.2024.

4. Feeling aggrieved, the petitioner has filed the present petition.



5. Reply by way of an affidavit of Deputy Superintendent of Police, Ferozpur Jhirka filed on behalf of the respondent-State is taken on record.

6. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the material in the file.

7. It is not in dispute that petitioner is the registered owner of vehicle bearing registration No. HR-38-V-9347. This vehicle was admittedly stolen by some unknown persons and petitioner had lodged FIR No.920 dated 28.10.2023 at Police Station Sector-58, Faridabad (Annexure P-3) and the same could not be traced by the police. However, this vehicle was used by changing the number plate and when it was seized on 06.12.2023, fake number plate bearing No.RJ-14-GJ-6534 had been affixed on the said vehicle. Petitioner is thus not involved in any offence under the Act and she cannot be thus made to suffer on account of offence committed under the Act by some other person who came to be in possession of the stolen vehicle owned by the petitioner. Petitioner is thus entitled to get the same released on Superdari. Learned SDJM, Ferozpur Jhirka as well as Court of learned Additional Sessions Judge, Nuh have failed to exercise the discretion vested in them in a judicious manner and both the impugned orders suffer from material illegality and are liable to be set aside.

8. As a result of aforesaid discussion, the present petition is allowed and orders dated 14.02.2024 and 08.02.2024 are set aside and vehicle in question is ordered to be released in favour of the petitioner,



who is the registered owner, as per usual terms and conditions. However, the competent authority under the Act before passing the order under Section 17 of this Act shall give opportunity of hearing to the petitioner before any order is passed.

9. Pending misc. application(s), if any, shall also stands disposed of.

21.08.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No