

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

2025:PHHC:064262-DB



(124)

CWP-PIL-93-2025  
Decided on :13.05.2025

KANWAR PAHUL SINGH

.....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE SHEEL NAGU,CHIEF JUSTICE  
HON'BLE MR.JUSTICE SUMEET GOEL

Present:- Petitioner-in person.

\*\*\*\*

**SUMEET GOEL, JUDGE**

1. The writ petition in hand has been preferred under Article 226 of the Constitution of India with the following substantive prayer(s):-

*“(i) WRIT' in the nature of 'Mandamus' or 'Order(s)' or 'Direction(s)' directing respondents to take immediate and steadfast steps/necessary or requisite measures, ensuring strict implementation of directions issued by Hon'ble Supreme Court of India in case titled as 'Sunderbhai vs State of Gujarat' 2003 (1) RCR CR 380 (P-4) and 'General Insurance Council and others vs State of Andhra Pradesh and others, (2010) 6 SCC 768 (P-5) and Motor vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021 notified on 23.09.2021 (P-6), so that unclaimed/seized valuable articles/vehicles/ seized liquor/ Narcotic drugs lying at the premises of police stations established in entire state of Punjab, can be disposed of at the earliest.*

*(ii) 'WRIT' in the nature of 'Mandamus' or 'Order(s)' or 'Direction(s)' directing Respondent no. 3 to take immediate and steadfast steps/necessary or requisite measures to pass a 'Standing Order' on the lines of an order passed by DGP,*

*Chandigarh Administration, Police Department, bearing no. 49/2023 dated 08.08.2023 (P-7), regarding disposal of seized/recovered/impounded/un-claimed/abandoned vehicles, which are lying in police stations for a long period and sometimes for years together as owners/claimants have not got their vehicles released or due to non-identification of registered owners in case of abandoned/un-claimed vehicles.*

*(iii) 'WRIT' in the nature of 'Mandamus' or 'Order(s)' or 'Direction(s)' directing respondents to take immediate and steadfast steps/necessary or requisite measures to consider and decide 'Representation' of the petitioner dated 09.02.2025 (P-9), speedily or expeditiously as the same has neither been decided nor any action has been taken by the respondents till today, preferably within period of one month or expeditiously without any further delay."*

2. The petitioner (appearing in person); while relying upon the *dicta* of the judgments of the Hon'ble Supreme Court in case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat, 2003(1) RCR Criminal 380 & General Insurance Council and others Vs. State of Andhra Pradesh and others, (2010) 6 SCC 768***; has implored that the respondents; especially respondent No.3-Director General of Police, Punjab; ought to comply with the direction(s) issued in the above judgments, in letter and spirit.

3. At this juncture, it would be apposite to refer herein to the direction(s) issued by the Hon'ble Supreme Court of India in case of ***Sunderbhai Ambalal Desai*** (supra), relevant whereof reads thus:-

*"17. In our view, whatever be the situation, it is of no use to keep such-seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of applications for return of such vehicles.*

*18. In case where the vehicle is not claimed by the accused, owner, or the insurance company or by third person, then such vehicle may be ordered to be auctioned by the Court. If the said vehicle is insured*

*with the insurance company then insurance company be informed by the Court to take possession of the vehicle which is not claimed by the owner or a third person. If Insurance company fails to take possession the vehicles may be sold as per the direction of the Court. The Court would pass such order within a period of six months from the date of production of the said vehicle before the Court. In any case, before handing over possession of such vehicles, appropriate photographs of the said vehicle should be taken and detailed panchnama should be prepared.*

*19. For articles such as seized liquor also, prompt action should be taken in disposing it of after preparing necessary panchnama. If sample is required to be taken, sample may kept properly after sending it to the chemical analyser, if required. But in no case, large quantity of liquor should be stored at the police station. No purpose is served by such storing.*

*20. Similarly for the Narcotic drugs also, for its identification, procedure under [Section 451 Cr.P.C.](#) should be followed of recording evidence and disposal. Its identity could be on the basis of evidence recorded by the Magistrate. Samples also should be sent immediately to the Chemical Analyser so that subsequently, a contention may not be raised that the article which was seized was not the same.*

*21. However these powers are to be exercised by the concerned Magistrate. We hope and trust that the concerned Magistrate would take immediate action for seeing that powers under [Section 451 Cr.P.C.](#) are properly and promptly exercised and articles are not kept for a long time at the police station, in any case, for not more than fifteen days to one month. This object can also be achieved if there is proper supervision by the Registry of the concerned High Court in seeing that the rules framed by the High Court regard to such articles are implemented properly.”*

3.1 In the case of **General Insurance Council** (supra), the Hon’ble Supreme Court has directed as under:-

*“14. In our considered opinion, the aforesaid information is required to be utilised and followed scrupulously and has to be given positively as and when asked for by the Insurer. We also feel, it is necessary that in addition to the directions issued by this Court in Sunderbhai*

*Ambalal Desai (supra) considering the mandate of Section 451 read with Section 457 of the Code, the following further directions with regard to seized vehicles are required to be given.*

*"(A) Insurer may be permitted to move a separate application for release of the recovered vehicle as soon as it is informed of such recovery before the Jurisdictional Court. Ordinarily, release shall be made within a period of 30 days from the date of the application. The necessary photographs may be taken duly authenticated and certified, and a detailed panchnama may be prepared before such release.*

*(B) The photographs so taken may be used as secondary evidence during trial. Hence, physical production of the vehicle may be dispensed with.*

*(C) Insurer would submit an undertaking/guarantee to remit the proceeds from the sale/auction of the vehicle conducted by the Insurance Company in the event that the Magistrate finally adjudicates that the rightful ownership of the vehicle does not vest with the insurer. The undertaking/guarantee would be furnished at the time of release of the vehicle, pursuant to the application for release of the recovered vehicle. Insistence on personal bonds may be dispensed with looking to the corporate structure of the insurer."*

*15. It is a matter of common knowledge that as and when vehicles are seized and kept in various police stations, not only they occupy substantial space of the police stations but upon being kept in open, are also prone to fast natural decay on account of weather conditions. Even a good maintained vehicle loses its road worthiness if it is kept stationary in the police station for more than fifteen days. Apart from the above, it is also a matter of common knowledge that several valuable and costly parts of the said vehicles are either stolen or are cannibalised so that the vehicles become unworthy of being driven on road. To avoid all this, apart from the aforesaid directions issued hereinabove, we direct that all the State Governments/ Union Territories/Director Generals of Police shall ensure macro implementation of the statutory provisions and further direct that the activities of each and every police stations, especially with regard to disposal of the seized vehicles be taken care of by the Inspector General of Police of the concerned Division/Commissioner of Police*

*of the concerned cities/Superintendent of Police of the concerned district.*

*16. In case any non-compliance is reported either by the Petitioners or by any of the aggrieved party, then needless to say, we would be constrained to take a serious view of the matter against an erring officer who would be dealt with iron hands. With the aforesaid directions, this writ petition stands finally disposed of.”*

4. The petitioner has urged that he would be satisfied, for the *nonce*, limits his prayer and submits that he would be satisfied, for the present, if a direction is issued to respondent No.3 - Director General of Police, Punjab to consider and take a conscious decision on the representation dated 09.02.2025 (Annexure P-9) made by him in this regard, in a time bound manner.

5. Notice of motion.

6. On the strength of advance copy, Mr. Saurav Verma, Addl.AG, Punjab has entered appearance on behalf of the respondents. He has urged that he has no objection in case the limited prayer made by the petitioner for decision of his representation dated 09.02.2025 (Annexure P-9) is directed for.

7. Having heard the petitioner as also learned State counsel and upon perusal of the record, we deem it appropriate to dispose of the writ petition in hand with the following directions:

(i) The Director General of Police, Punjab is mandated to look into the representation dated 09.02.2025 (Annexure P-9) moved by the petitioner, objectively consider the grievance(s) raised in the said representation & take ratiocinated decision thereupon, after affording opportunity of hearing to petitioner, in accordance with law, within a period of 90 days from today.

(ii) The Director General of Police, Punjab is directed to furnish within 90 days from today, with the Registry of this Court, status report regarding the action(s) taken by the Punjab Police regarding the vehicles

lying at the police station in terms of the *dicta* of the judgments of the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai*** (supra) and ***General Insurance Council*** (supra) as also the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021.

(iii) The Registrar General of this Court shall assess such status report filed by the DGP, Punjab and in case, anything amiss is found therein, the matter be listed for further direction(s) before the Bench alongwith such assessment.

The petitioner is also at liberty to peruse such status report and seek further appropriate direction(s), in case cause so ensues.

(iv) No order as to costs.

**(SUMEET GOEL)**  
**JUDGE**

**(SHEEL NAGU)**  
**CHIEF JUSTICE**

**May 13, 2025**

*Naveen*

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No