

**IN THE COURT OF VISHAL KAUNDAL, JUDICIAL MAGISTRATE 1ST CLASS, COURT  
NO. III, SHIMLA, DISTRICT-SHIMLA, HP.**

Kanwar Singh S/o Late Sh. Relu Ram, R/O Jagarnath Niwas, Kamyana, PO-  
Bhont, District-Shimla, HP (Applicant).

versus

State of HP

**Date of Order: [PASSED DURING THE PERIOD OF CARONA LOCKDOWN]**

**11.05.2021:**

Present: {Through Electronic Mode}  
-Sh. Manoranjan, System Officer, District Courts Shimla.  
-Ms. Charu Gupta, Id. APP for the State.  
-Sh. K.R. Verma, Id. Advocate for the applicant.

The present *criminal miscellaneous application* under Section 457 Cr.P.C. has been received through *e-mail* on 10.05.2021 as the same has been assigned to this Court, it being treated as "*Urgent Matter*". Said application has been listed for filing reply and consideration for today i.e. the date communicated to the concerned parties through electronic mode. Accordingly, reply filed through electronic mode and consideration on the application held. This order shall dispose of the same. It be registered accordingly (if required).

Said application has been filed by the applicant namely, Kanwar Singh S/o Late Sh. Relu Ram, R/O Jagarnath Niwas, Kamyana, PO-Bhont, District-Shimla, HP through counsel namely, Sh. K.R. Verma through *e-mail* for release of the vehicle bearing registration number **HP-62A-1585** (*Maruti A Star*) impounded by the police of PS-Dhalli Distt.-Shimla in case FIR No. 62/2021, dated 07.05.2021, registered under Section 39 (1) A HP Excise Act, 2011.

In brief, it is averred in the application as well as stated by the Id. counsel for the applicant through electronic mode that the aforementioned vehicle is not required by the police as investigation in the present case is over; and said vehicle is required by the applicant for day to day business during this COVID-19 pandemic. It is averred that, the applicant undertakes to produce the aforesaid vehicle before the Court as and when required/directed by the Court; & the applicant further undertake to abide by all the terms and conditions which shall be imposed while releasing the same. It has been prayed that the present application may kindly be allowed, in the interest of justice.

Police report/reply has also been filed through *e-mail*. It is mentioned in the police report that the aforementioned vehicle has been impounded by the

police under the aforementioned case FIR. It is also mentioned that as per the registration certificate the vehicle is registered in the name of Kanwar Singh S/o Late Sh. Relu Ram and in case the vehicle is released in favour of the registered owner then he can again use the same for the commission of the similar offence. Further, it is averred that the driving license of the accused also not be released.

I have perused the averments made in the application as well as the report of police. Taking care of the above mentioned facts and circumstances as well as the report made by the police, I am satisfied that the applicant i.e. the owner namely, Kanwar Singh S/o Late Sh. Relu Ram is entitled for the release of the aforementioned vehicle. Further, it seems to this Court that no useful purpose is going to be solved by retaining the above mentioned vehicle in police custody. Moreover, during the period the vehicle remains impounded it would remain unattended, rather would be a burden on the State exchequer for its upkeep/safe parking etc. besides engaging the overburdened limited police workforce in these challenging times of pandemic and national emergency. Hence, the application is allowed subject to the following conditions:

1. That the applicant shall furnish *supurdari* bond in the sum of **Rupees 5,00,000/- (Rupees Five Lac only) to be furnished before the concerned SHO, PS-Dhalli.**
2. That the applicant shall not dispose of the aforementioned vehicle till the final disposal of the case.
3. That the applicant shall produce the aforementioned vehicle as and when required/directed by the police or the Court to do so; and shall not use the same for the commission of similar or other offence.

**Requisite bond, as directed, which will be furnished before the SHO Dhalli by the applicant; be sent to the Court after attesting and accepting.** Let release order be issued to the SHO, PS-Dhalli, District-Shimla, HP, with the direction to release the vehicle-in-question along with its documents, if any, after retaining the photocopies of the same, in favour of the above mentioned applicant against proper receipt and identification, as per rules, if the same is not required in any other case. Photographs of vehicle be captured before releasing the same. *Release order be prepared accordingly.* Present application stands disposed of. After due completion it be tagged with the concerned record.

**[Vishal Kaundal]**  
Judicial Magistrate 1st Class,  
Court No. III, Shimla, District  
Shimla, HP.