

United Bank Limited

Addl. Sessions Judge, etc.

17.11.2025.      Mr. Shah Nawaz Qureshi, Advocate.  
                          Mr. Muhammad Akhlaq, D.P.G., with Karamat, A.S.I.

The present criminal miscellaneous application under Section 561-A of the Code of Criminal Procedure has been filed by Muhammad Yar, the petitioner, for setting aside the impugned orders dated 10.07.2021 and 20.12.2021, passed by the learned Judicial Magistrate Ist Class, Wazirabad, and learned Additional Sessions Judge, Wazirabad respectively, whereby the application filed by the petitioner for superdari was dismissed and upheld by the learned Additional Sessions Judge, Wazirabad.

2. The petitioner-United Bank Limited through Muhammad Imtaiz Ahmad, through this petition has challenged the vires of the order dated 10.07.2021 passed by the learned Judicial Magistrate Ist Class, Wazirabad and the order dated 20.12.2021 passed by the learned ASJ, Wazirabad, whereby the application of the petitioner for grant of 'Superdari' of car Toyota XLI was dismissed by the learned Judicial Magistrate Ist Class, Wazirabad and the petitioner has assailed the order dated 02.07.2014 before the learned ASJ, Wazirabad, who also dismissed the application of the petitioner for Superdari of the vehicle. Feeling aggrieved by the order of both the courts below, the petitioner has filed the instant petition.

3. It is contended by the learned counsel for the petitioner that the orders dated 10.07.2021 and 20.12.2021 passed by the courts below are against the law and facts; that the petitioner bank extended finance facility to Shabbir Ahmad son of Khuda Bakhsh, through Hire Purchase Agreement but Shabbir Ahmad defaulted in repayment of the monthly lease rentals/installments and finance facility was not adjusted and referred the statement of account (available at page No. 45). The petitioner company is lawful owner of the vehicle in question by way of Hire Purchase Agreement; that the is ready to produce the car whenever court directed to produce the car before the court and that there is no other claimant of the vehicle hence, both the impugned orders be set aside by accepting the instant petition.

4. On the other hand, learned DPG has not opposed the petition vehemently.

5. Arguments heard. Record perused.

6. The report submitted by city police officer Gujranwala reveals that the vehicle in question pertains to case FIR No. 569 of 2020, dated 4.8.2020, registered under section 457, 380, 511 PPC at police station Sadar Wazirabad, District Wazirabad. The complainant registered the FIR mentioned above against four unknown accused persons for attempting to commit theft of tower batteries. Later, on 09.08.2020, the complainant, Naeem Rasool, nominated Shabir, son of Khuda Baksh, as an accused in the FIR. This suggests that Shabbir Ahmad, son of Khuda Bakhsh, to whom a finance facility was extended, was named in the above-said FIR. The present petitioner is the sole claimant of the vehicle to date, who has the original documents/Excise file. The report submitted by the City Police Officer, Gujranwala, reveals that on 07.03.2024, UBL Bank Square, Gujranwala, issued a letter stating that on 24.01.2024, a certificate was issued by UBL Bank to DPO Wazirabad, verifying that the vehicle registration No. LEC-17-8169, Engine No.Z480178, Chassis No. NZE170R4106555 was leased to the customer, Mr. Shabbir Ahmad, son of Khuda Bukhsh, resident of Islam Pura Golay Bajway Road, Ward No. 26, Sanglahill, Nankana Sahib, under the Higher Purchase Agreement (HPA)/Finance Agreement dated 29-Mar-2017 with United Bank Limited. The bank verified that United Bank Limited owns the vehicle mentioned above. The bank also verified that the original file/Excise file and a copy of the registration book are available in the bank record. The original registration book was handed over to the customer. As the vehicle in question, the bank financed the vehicle to the customer for 60<sup>th</sup> months" installment plan, which started from April-2017 and mature on Mar-2022, customer deposited only 41 installments till the month of August-2020, thereafter defaulted in payment of monthly lessee rental and at present, an amount of Rs.655,594.90/- is still outstanding against the above said vehicle/customer and thereafter seized in case FIR No.569/2020 at police station, Saddar Wazirabad. In the circumstances, the retention of the car having registration No. LEC-17-8169 in police possession for an indefinite period would mean a completely damaged and deteriorated condition of the

vehicle. In these circumstances, neither of the courts below was justified in refusing the 'Superdari' of the car in question to the petitioner.

7. For the foregoing reasons, I accept this petition and direct that the vehicle in question be handed over to the petitioner on 'Superdari' subject to furnishing a surety bond in the sum of Rs.30,00,000/- to the satisfaction of the Illaqa/Judicial/Duty Magistrate. The petitioner is directed to produce the vehicle in question as and when required by the Court. The petitioner is further directed not to auction, sell, or transfer the car in question till the decision of the above-stated case. However, this order will not prejudice the right of a rival claimant, if any.

**(AALIA NEELUM)  
CHIEF JUSTICE**

This order has been dictated, pronounced, prepared, and signed on  
17.11.2025.

**A.S.Khan**

Approved for reporting

**(CHIEF JUSTICE)**