

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

**CRM-M-20310 of 2015
Date of Decision: July 06, 2015**

Samsung India Electronics Pvt. Ltd. ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rohit Khanna, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

The present case was got registered by the petitioner-Company when the vehicle ferrying goods belonging to the petitioner-company M/s Samsung India Electronics Pvt. Ltd were stolen and subsequently the articles were recovered from roadside. On the recovery of the articles, the petitioner-company moved the concerned Court for release of the goods on superdari which was allowed vide order dated 5.5.2015 and that in pursuance of the order, the petitioner-company through its authorised signatory Rajender Sharma (Director Legal) had moved application Annexure P/14 furnishing corporate guarantee in the light of the judicial orders earlier passed by the same very Court. However, through impugned order Annexure P/1 learned trial Court purely on the grounds that since the person furnishing a corporate guarantee is one of the directors of the petitioner-company M/s Samsung India Electronics Pvt. Ltd reached the

conclusion that it would be not a sound surety for the recovery of the amount in case the situation so arises and has rejected the same.

Heard learned counsel for the petitioner and perused the records of the case. Apparently, there is no one else who claims rights over these goods which as per the claim of the petitioner-company belongs to them. Moreover, as per the own orders of the Court the goods were ordered to be released on superdari subject to furnishing of adequate surety and which the authorised signatory of petitioner-Company Mr. Rajender Sharma (Director legal) volunteered to be furnished. The learned Magistrate remained in oblivion that it was only allowing superdari of the goods and that too against bonds and conditions if any imposed by it. Thus, the learned trial Court has come to a totally unjustifiable conclusion that being a director of the company recovery cannot be effected from him if the eventuality so arises and no specific reasoning has been given. Apparently there has been illegitimate denial of justice to the petitioner-Company. The Courts are to do justice and not fall prey to such fallacies which negate the very provisions of law.

In view of the above discussions, the impugned order is set aside directing the learned trial Court to proceed ahead into the matter as per law afresh.

Parties to appear before the concerned Court.

(FATEH DEEP SINGH)
JUDGE

July 06, 2015
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