

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7975 of 2016 (O&M)
Date of decision:- April 11, 2016

HARJIT SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. B.S. Jaswal, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

JASPAL SINGH, J.

CRM No. 9733 of 2016

Since, the main petition is also fixed for today, this application has rendered infructuous and the same is disposed of as such.

Main case

Challenge in this petition is to the order dated February 17, 2016 (Annexure P-3) passed by the Judge, Special Court, Jalandhar to the extent of imposing condition upon the petitioner to furnish bank guarantee of ₹8,50,000/- for releasing of 400 bags of defatted soya flour weighing 20.040 tons on sapurdari.

2. A glance at the impugned order transpires that considering the

value of the goods to the tune of ₹8,29,743/- of 400 bags of soya flour, which were recovered from the vehicle, in which, some narcotic drugs were found and recovered by the police, sapurdari of soya flour bags were ordered to be handed over to the petitioner on furnishing bank guarantee to the tune of ₹8,50,000/-.

3. The contention of learned counsel for the petitioner is that the petitioner is not in a position to furnish the bank guarantee equal to the value of goods. Moreover, the goods being perishable, it is difficult to retain it in the same condition. Rather, the petitioner has been put to loss due the aforesaid act as the bags are still lying in the custody of the police.

4. This Court has given an anxious thought to the aforesaid submission and find that the imposition of condition of furnishing bank guarantee to the tune of ₹8,50,000/- is unjustifiable.

5. Accordingly, the order is modified and the goods are ordered to be released to the petitioner on furnishing surety bonds to the tune of ₹8,50,000/- to the satisfaction of trial court/Duty Magistrate, Jalandhar, Punjab.

6. With the aforesaid modification, the petition stands disposed of.

April 11, 2016
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(JASPAL SINGH)
JUDGE