

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23232-2019

Date of Decision: 19.10.2019

Rohtas

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Shekhar Verma, Advocate, for the petitioner.

Ms. Harpreet Kaur, Assistant AG, Haryana.

Harnaresh Singh Gill, J.

The instant petition under Section 482 Cr.P.C. is for setting aside/modification of order dated 21.02.2019 (Annexure P-3) passed by learned Additional Sessions Judge, Hisar, whereby while setting aside the order dated 18.01.2019 passed by the learned trial Court, the revision petition filed by the petitioner was allowed and the car bearing registration No. HR-32K-4330 was ordered to be released on superdari subject to the petitioner's furnishing bank guarantee of Rs.8,00,000/- (Rupees Eight Lacs Only).

Learned counsel for the petitioner has argued that the petitioner is not in a position to furnish the guarantee on account of financial constraints and he is ready to furnish two solvent sureties of the equivalent amount and further submit that he will give an undertaking before this Court that the registration certificate of the vehicle will remain in possession of

the Court and the petitioner will not sell or alienate the car by creating a third-party interest.

Counsel for the petitioner has also relied upon the judgment rendered in State of Kerala Vs. A.A. Ali, 2018(4) R.C.R. (Criminal) 112, wherein the Hon'ble Supreme Court has held that the Courts should not insist on furnishing of the bank guarantee in such like cases.

Learned State counsel on the basis of reply filed by way of an affidavit of Mr. Amarjeet Kataria, HPS, Deputy Superintendent of Police, Hisar on behalf of respondent-State has submitted that the allegations against the petitioner are that his company has cheated its depositors by inducing them that in case they invested an amount of Rs.10,000/- then the company would pay them an amount of Rs.1500/- per week and in similar manner if any depositor invested an amount of Rs.32,500/- then he would get Rs.6000/- per week and further if any person invested Rs.1,00,000/-, then the depositor would get an amount of Rs.19,500/- per week upto the period of 24 weeks continuously. Still further, if any depositor had added more depositors in the company, he would get gifts in the form of laptop, motorcycle, flat, villas, Audi cars etc.

I have heard the counsel for the parties and also gone through the record of the case. I find that though vide the impugned order, the revisional Court has ordered for releasing of the vehicle on superdari in favour of the petitioner, yet the Court has laid down a condition to furnish a bank guarantee of Rs.8,00,000/- (Rupees Eight Lacs only).

In view of the judgment rendered in State of Kerala Vs. A.A. Ali (supra), the present petition is partly allowed and it is directed that instead of furnishing bank guarantee of Rs.8,00,000/-, two solvent sureties of the equivalent amount will be furnished by the petitioner. The petitioner shall hand-over the registration certificate to the Investigating Agency along with an undertaking that the registration certificate of the vehicle will remain in possession of the Court and the petitioner will not sell or alienate the car by creating any third-party interest during the pendency of the trial.

Disposed of in the above terms.

(HARNARESH SINGH GILL)
JUDGE

19.10.2019
ds

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No