

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

282

**CRM-M-31429-2019 (O&M)
Date of Decision: 25.09.2019.**

Amit

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Ashok Muthreja, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

Reply by way of affidavit of Amarjeet Kataria, HPS, Deputy Superintendent of Police, Hisar on behalf of respondent-State of Haryana has been filed in the Court today. The same is taken on record.

Petition under Section 482 Cr.P.C. for modification of orders dated 21.02.2019 (Annexure P-1) passed by learned Additional Sessions Judge, Hisar has been filed vide which the Additional Sessions Judge, Hisar, while allowing the revision petition filed by the petitioner for releasing the Hyundai Creta car bearing Engine No.636518, chassis No.444299 in favour of the petitioner-Amit, however a condition was laid down that the petitioner will furnish a bank guarantee of Rs. 8,00,000/- (Rupees eight lakhs only) for releasing the aforesaid vehicle on sapurdari.

Learned counsel for the petitioner has argued that in fact 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 submits that he will give undertaking before this Court that the registration certificate of the same vehicle will remain in possession of the Court and petitioner will not sell or alienate the car by creating third-party interest.

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

Learned State counsel on instructions from ASI Phool Kumar and on the basis of an affidavit filed in the Court by Amarjeet Kataria, HPS, Deputy Superintendent of Police, Hisar on behalf of respondent-State of Haryana, has submitted that the allegations on the petitioner are that the company has cheated its depositors by inducing them that in case the depositors invest amount of Rs.10,000/- then the company will pay an amount of Rs.1500/- per week and thus, there are direct allegations of cheating against him in the FIR and the fraud is for more than Rs.118 crores.

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

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

(SHEKHER DHAWAN)
JUDGE

25.09.2019
komal

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No