

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

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**CRM-M-43956-2019(O&M)
Date of Order: 20.11.2019**

GULAB SINGH

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kamal Kumar, Advocate, for
Mr. Pankaj Garg, Advocate
for the petitioner

Mr. Hittan Nehra, Addl. A.G., Punjab

ANIL KSHETARPAL, J(Oral)

The order passed by the learned trial Court granting interim custody of the vehicle in question to the owner subject to furnishing bank guarantee in the sum of Rs.3,00,000/- with personal bond has been challenged on the ground that the bank guarantee could not be ordered.

The vehicle in question is allegedly involved in a commission of crime under Sections 61.1/14, 78(2) of the Punjab Excise Act.

On hearing arguments on 15.11.2019, following order was passed:-

“Learned counsel appearing for the State points out proviso to sub-Section (2) of Section 78 of the Punjab Excise Act, 1914 to contend that learned trial Court was correct in ordering bank guarantee equivalent to the value of the conveyance for interim custody of the vehicle in question. The proviso is extracted as under:-

“Provided further that during pendency of trial, conveyance shall only be released on submission of security (in form of cash security or bank guarantee) equivalent to the value of the conveyance thereof.”

Learned counsel for the petitioner prays for time to examine this aspect and assist.

List on 20.11.2019.”

It was brought to the notice of the counsel that there is an amendment in the Punjab Excise Act which enables the Court to grant interim custody of the vehicle on submission of security (in form of cash security or bank guarantee) equivalent to the value of the conveyance thereof.

Learned counsel for the petitioner sought time.

Today, learned counsel appearing for the petitioner is unable to dispute the aforesaid statutory amendment in the Act.

Hence, no ground to interfere in the order furnishing bank guarantee is made out.

Dismissed.

November 20, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No