

In the High Court of Punjab and Haryana at Chandigarh

CRM-M-47871 of 2019

Date of Decision: 08.11.2019

Balwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. K.S.Derabassi, Advocate
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

The instant petition under Section 482 Cr.P.C. is for setting aside/modification of order dated 17.10.2019 (Annexure P-6) passed by learned Judicial Magistrate Ist Class, S.B.S Nagar, whereby the application for sapurdari of vehicle i.e. truck bearing registration No. HR-66-3758, filed by the petitioner, was allowed in terms of the order dated 4.10.2019 passed by learned District and Sessions Judge, S.B.S. Nagar, and the vehicle in question was ordered to be released on superdari subject to the petitioner's furnishing sapurdari bonds in the shape of bank guarantee of Rs. 5,00,000/- (Rupees Five Lacs Only).

Notice of motion.

On the asking of the Court, Mr. M.S.Nagra, AAG, Punjab accepts notice on behalf of the State.

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. He further submits that the R.C of the vehicle is already in possession of the police of Police Station Sadar, S.B.S. Nagar. It is further submitted that the petitioner will give an undertaking before this Court that the petitioner will not sell or alienate the truck by creating a third-party interest. Learned counsel for the petitioner has relied upon the order passed by this Court in **CRM-M-23232 of 2019 titled Rohtas versus State of Haryana** decided on 19.10.2019 wherein an identical issue was involved.

Learned State counsel does not dispute the factual position.

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 trial Court has laid down a condition to furnish a bank guarantee of Rs. 5,00,000/- (Rupees Five Lacs only).

In view of the above, the present petition is partly allowed and it is directed that instead of furnishing bank guarantee of Rs. 5,00,000/-, two solvent sureties of the equivalent amount will be furnished by the petitioner. The petitioner shall file an undertaking that the registration certificate of the vehicle which is stated to be in possession of the police shall remain in possession of the Court and the petitioner will not sell or alienate the truck by creating any third-party interest during the pendency of the trial.

Disposed of in the above terms.

(HARNARESH SINGH GILL)
JUDGE

November 08, 2019
Gurpreet

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