

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

**CRM-M-7172-2020
Date of decision: 17.02.2020**

Avtar**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Rashpinder Singh, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside/modification in the order dated 09.09.2019, passed by the Additional Chief Judicial Magistrate, vide which, the petitioner has been ordered to furnish *sapurdari* bonds to the tune of Rs. 5,50,000/- in the shape of bank guarantee for the release of Bolero Maxi truck bearing temporary registration number PB-11T-2469 in case FIR No. 105 dated 29.07.2019, under Sections 61 of the Punjab Excise Act, 1914 at Police Station Urban Estate, Patiala, titled as “***Avtar vs. State of Punjab***”.

Learned counsel for the petitioner submits that the vehicle in dispute was taken in possession by the police at the time of effecting alleged recovery following by registration of aforesaid FIR No. 105.

Learned counsel for the petitioner further submits that petitioner is the registered owner of the said vehicle and the said vehicle is the only source of income for him.

It is further submitted that the petitioner moved an application before the trial Court for the release of said vehicle in favour of him, to

which, the police submitted its report that it has no objection if the said vehicle is released in favour of the petitioner and accordingly, the trial Court allowed the said application, vide impugned order dated 09.09.2019, subject to the condition that the petitioner will furnish *sapurdari* bond to the tune of Rs. 5,50,000/- in the shape of bank guarantee.

Learned counsel for the petitioner further submits that sine the petitioner is not in a position to furnish aforesaid bank guarantee, he is ready to furnish surety bonds to the tune of Rs. 5,50,000/-.

Notice of motion.

On the asking of Court, Mr. Joginder Pal Ratra, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and has no serious objection to the prayer of the petitioner.

Considering the fact that the vehicle in dispute is in possession of the police since 29.07.2019 and also in view of the fact that the said vehicle, being a commercial one, is the only source of the petitioner, which the petitioner has purchased by way of finance and is paying its installments, the present petition is allowed.

The impugned order dated 09.09.2019, passed by the Additional Chief Judicial Magistrate, is modified to the extent that the vehicle in dispute shall be released in favour of the petitioner on furnishing surety bonds to the tune of Rs. 5,50,000/-.

17.02.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No