

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

CRM-M-14514 of 2020 (O&M)
Date of Decision: June 11, 2020

Mehnga Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Manik Makkar, Advocate
for the petitioner.

Mr. Gaurav Dhuriwala, Senior DAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed seeking modification of the order dated 18.10.2019 passed by the Addl. Chief Judicial Magistrate, Patiala, whereby the petitioner has been directed to furnish the bank guarantee of Rs.5 lacs for releasing of Hyundai Verna car bearing registration No.PB11-CR-6133 on Sapurdari and for quashing the order passed by the Sessions Judge, Patiala whereby his revision petition has been dismissed.

Learned counsel for the petitioner would contend that proviso to sub-Section 2 of Section 78 of the Punjab Excise Act, 1914 has been interpreted by the Division Bench of this court in CWP No.24941 of 2019

titled as “**Darshan Singh vs. State of Punjab**”. It is further contended that in fact, this court has directed the vehicles to be released on sapurdari on the condition that the owner shall deposit 20% of the value of the car and give security for the remaining amount along with other conditions that may be imposed. Learned counsel for the petitioner would submit that the direction of paying Rs.5 lacs by way of bank guarantee is not sustainable, in view of the observations in the aforesaid case.

Per contra, learned counsel appearing on behalf of the respondent-State states that the directions have been issued by the Division Bench of this court in **Darshan Singh's case (supra)** based on the admission of the State to re-consider the proviso.

I have heard learned counsel for the parties and have perused the pleadings of the case as well as order passed in CWP No.24941 of 2019 wherein the following directions have been passed:-

“6. In the circumstances, we deem it appropriate to order the release of the vehicles on Sapurdari on the condition that the petitioner shall deposit 20% of the assessed amount in cash and give security for the remaining amount along with the other conditions which may have been imposed by the court to the satisfaction of the trial Court.”

Therefore, in view of the orders passed in **Darshan Singh's case (supra)**, the impugned order is hereby set aside. The matter is remanded back to the trial court/Illaq Magistrate to assess the value of the car and to give adequate opportunity to the petitioner herein to deposit 20% of the assessed amount in cash and give security for the remaining amount

to seek release of the vehicle on Sapurdari.

The parties are directed to appear before the trial court/Illaqa Magistrate on 30.06.2020.

The petition stands disposed of in the aforesaid terms.

June 11, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No