

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

CRM-M-23974-2020 (O&M)

Date of decision : 27.08.2020

Pargat Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. M.S. Uppal, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 challenging correctness of the order dated 03.08.2020 passed by the Judicial Magistrate Ist Class, Patiala.

The petitioner herein applied for release of vehicle i.e. Swift Desire Car bearing No.PB-01C-2647 on superdari (interim custody) during the pendency of the criminal case which was allowed. However, learned Judicial Magistrate Ist Class, directed that the vehicle be released on furnishing bank guarantee for an amount of Rs.7,00,000/-.

This Court has heard learned counsel for the parties. The purpose of calling upon the petitioner to give bank guarantee is to ensure that the petitioner produces the vehicle as and when required by the Court.

Learned counsel for the petitioner submits that the petitioner is ready to furnish security of immovable property (his agricultural land).

Learned counsel for the petitioner while drawing attention of the Court to the amended Provisions has contended that the Act has made a provision for release of conveyance on the interim custody during the

pendency of the trial on submission of security in the form of cash, security or bank guarantee equivalent to the value of the conveyance thereof. He further contends that in the present case, Section 78(2) would not apply as the alleged recovery in the present case is 156 bottles of 750 ml each. He contends that if the total quantity of alleged liquor is converted into bulk liters, it comes to 117 litres whereas Sub Section 2 would be applicable only if the recovery is 229.961 litres or above.

Be that as it may. This Court is not going into the aforesaid aspect particularly when the learned State Counsel does not have objection to what has been offered by the learned counsel representing the petitioner as security.

Keeping in view the aforesaid facts, the present petition is disposed of by directing the Judicial Magistrate Ist Class, Patiala to accept the documents of ownership of the agricultural land equivalent to the amount of security owned by the petitioner alongwith his undertaking that he shall not dispose of the agricultural land during the pendency of the criminal case. The Judicial Magistrate will also direct the revenue authorities to make an entry in the revenue record to that affect. If the petitioner complies with the aforesaid direction, the Judicial Magistrate Ist Class, Patiala would direct the release of the vehicle.

With these observations, the petition is disposed of.

All the pending miscellaneous application, if any, are disposed of, in view of the above-said order.

27.08.2020

Pawan

(ANIL KSHETARPAL)
JUDGE

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