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

CRM-M-28609-2020 (O&M)

Date of Decision: 12.10.2020

Ashwani Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Rajive Sharma, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

CRM-25445-2020

The applicant-petitioner is permitted to place on record the copy of Insurance Policy Schedule-cum-Certificate for the current year and the previous year (Annexures A2 and A-3).

Application stands disposed off.

CRM-M-28609-2020

On the last date, this Court had directed the petitioner to place on record a copy of Car's insurance documents for the current year to show as to how much valuation has been mentioned therein.

2. On perusal of document Annexure A-2 it transpires that the current valuation of his car has been fixed at Rs. 2,20,000/- till the last policy issued in 2019 Annexure A-3 was to expire on 04.06.2020, wherein valuation was at Rs.2,90,000/-

3. Learned Counsel for the petitioner further submits that in the meantime, the vehicle was seized in connection with the present case after

which it has been lying standing in the Police Station and has suffered substantial damage on account of which its valuation has been reduced to Rs.2,25,000/- as per the valuation certificate dated 10.09.2020 (Annexure A-1). He, therefore, contends that the impugned order passed by the Ld. Additional Sessions Judge, SAS Nagar, Mohali, directing the petitioner to deposit cash amount of Rs.3.5 lacs in the Government Treasury is exorbitant and has in this regard drawn the attention of the Court to the Amended provision to Section 78(2) of the Relevant Statute, according to second proviso of which the conveyance can be released on submission of security (in the form of cash security bank guarantee) equivalent to the value of the concerned conveyance.

4. In this view of the matter, the present petition is disposed off after modifying the impugned order (Annexure P-2) passed by Ld. Additional Sessions Judge, SAS Nagar, Mohali, by directing that the seized vehicle be released in favour of the petitioner on Superdari, subject to his depositing an amount of Rs.2,25,000/- either by way of cash security or in the form of a Bank Guarantee.

12.10.2020*Ali***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No