

In the High Court of Punjab and Haryana at Chandigarh

117

**CRM-M-31903-2020 (O & M)
Date of Decision: November 09, 2020**

KARAM SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Preetwinder Singh Dhaliwal, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

Learned counsel for the petitioner contends that the impugned orders dated 30.10.2019 passed by the Revision Court and order dated 12.09.2019 passed by the trial Court to the extent of directing the petitioner to furnish FDR in lieu of surety are unjust and harsh. He further contends that the petitioner is an accused in the FIR under the Excise Act wherein recovery of liquor was effected from Scorpio car. He also contends that the petitioner was owner of the vehicle which was confiscated on the allegation that it was carrying liquor meant for sale in Haryana. He also contends that the petitioner has immovable property in his name and, therefore, instead of directing him to furnish an FDR for a sum of ₹2.00 lacs besides, surety of ₹4.00 lacs, the impugned orders may be set aside to the extent of permitting the petitioner to furnish surety of the entire amount of ₹6.00 lacs. The petitioner has immovable property and, therefore, he is in a position to furnish sufficient surety for the amount. He has relied upon the order of the Coordinate Bench of this Court

passed in CRM-M-14229-2020 titled as '**Udeek Singh @ Tinku versus State of Punjab**' decided on 05.06.2020 wherein under somewhat similar circumstances, the order directing bank guarantee was modified by permitting the petitioner therein to furnish surety.

Issue notice to the respondent.

At the asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab accepts notice on behalf of the respondent.

Heard.

The petitioner is willing to furnish surety for the entire amount. He is stated to have immovable property in his name. Therefore, it would be in the interest of justice if the impugned orders are altered to the extent that instead of furnishing FDR for ₹2.00 lacs, the petitioner may furnish surety for the entire amount of ₹6.00 lacs.

The petition is partly allowed.

The petitioner shall furnish surety for the entire amount. He shall also file an undertaking to the effect that he shall not alienate or mortgage the vehicle and produce the same as and when called upon to do so by the trial Court.

(ANUPINDER SINGH GREWAL)
JUDGE

November 09, 2020
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No