

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

CRM-M-47693-2019 (O&M)

Date of decision: 17.02.2020

Simranjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Suvir Sidhu, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

H.S. MADAAN, J. (Oral)

In case registered vide FIR No.0149 dated 18.11.2018, under Sections 406, 420 etc. IPC with Police Station Phase-11, District SAS Nagar (Mohali), applicant Simranjit Kaur had moved an application for release of articles/ornament and cash on superdari. After getting report from SHO of police station concerned, hearing learned counsel for the applicant and State counsel and going through the record, learned Court of Chief Judicial Magistrate, SAS Nagar (Mohali) has directed that such articles/ornaments and cash be released on superdari to applicant Simranjit Kaur, subject to her furnishing bank guarantee in the name of the Court to the tune of Rs.10 lacs.

The part of order directing the applicant to furnish bank guarantee had left the applicant aggrieved and she has approached this

Court by way of filing the present petition. Notice thereof has been given to the State of Punjab, which has put in appearance through its counsel.

I have heard learned counsel for the parties besides going through the record and I find that the part of the order directing the applicant to furnish bank guarantee is somewhat harsh and it would be proper and appropriate if the petitioner is asked to furnish sound surety to ensure that such articles/ornaments and cash etc. are produced in the Court on each and every date. Therefore, the petition is allowed and the impugned order is modified to the extent that the articles/ornaments and cash be released on superdari to applicant Simranjit Kaur, subject to her furnishing personal bonds and surety bonds to the satisfaction of learned CJM, SAS Nagar (Mohali). Learned CJM, SAS Nagar (Mohali) may accept the surety furnished by a person having documentary proof of immovable property more than the surety amount situated within the limits of SAS Nagar (Mohali).

17.02.2020

sumit.k

(H.S. MADAAN)
JUDGE

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