

**Sr. No. 207**

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

**CRM-M-51518 of 2019**

**Date of Decision: 28.05.2020**

Jagtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM:- HON'BLE MR. JUSTICE ARUN MONGA**

Present:- Mr. Bikramjeet Singh Jatana, Advocate,  
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.

(presence marked through video conferencing)

**ARUN MONGA, J. (ORAL)**

The petitioner is aggrieved by the order dated 26.08.2019 passed by Judicial Magistrate Ist Class, Samana vide which the request of the petitioner for release of his Honda City car bearing registration No. DL3CAK-2006, seized by the police in case FIR No. 123 dated 18.06.2019 in a case under Punjab Excise Act registered at Police Station Patran, District Patiala, on *superdari*, has been accepted, *inter alia*, subject to his furnishing *sapurdarinama along with* bank guarantee of Rs.1 lac. The petitioner is also challenging the order dated 04.10.2019 passed by Additional Sessions Judge, Patiala, dismissing his revision filed against the order dated 26.08.2019.

2. At the outset, learned counsel for the petitioner submits that the petitioner is only aggrieved with the imposition of condition of furnishing of bank guarantee, which is harsh particularly in view of the fact that Honda

City car is 2005 make and having value less than 1 lac. He submits that the petitioner is ready to furnish the surety bond subject to the satisfaction of the Court below.

3. Learned State counsel has supported the orders passed by the Courts below.

4. Having heard learned counsel for the petitioner as well as learned State counsel, I am of the considered view that the impugned order passed by Judicial Magistrate Ist Class, Samana seems to be harsh and needs modification. The car in question is 2005 make and its current value at best can be between Rs.75000/- to Rs.1 lac. In the circumstances, the imposition of furnishing of bank guarantee of Rs.1 lac seems to be unjustified.

5. In the circumstances, the petition is disposed of with a modification in impugned order dated 26.08.2019(Annexure P-2) passed by Judicial Magistrate Ist Class, Samana to the extent that instead of bank guarantee, the petitioner shall furnish surety bond of Rs.75,000/- to the satisfaction of Duty Magistrate/ JMIC, Samana on the conditions as stipulated in the order dated 26.08.2019.

6. Petition stands disposed of.

**(ARUN MONGA)**  
**JUDGE**

**28.05.2020**  
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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No