

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

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CRM-M-3747-2021.

Date of Decision: 28.01.2021.

Jatinder Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Yashpal Thakur, Advocate, for the petitioner.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 482 Cr.P.C. has been moved at the instance of petitioner impugning the legality of order dated 21.12.2020 (Annexure P/1) passed by learned Chief Judicial Magistrate, Patiala, in terms of which, the petitioner has been directed to furnish bank guarantee in the sum of Rs.4,00,000/- for release of Car make i-20 bearing registration No.PB-02BY-4969, on *sapurdari*, which is involved in case FIR No.194 dated 05.10.2020 under Sections 61 and 78(2) of Punjab Excise Act, registered at Police Station Sanaur, District Patiala.

Notice of motion.

At the asking of Court, Mr. Mehardeep Singh, Additional Advocate General, Punjab, accepts notice on behalf of the respondent. Complete copy of paper book has been supplied to him.

Learned counsel for the petitioner *inter alia* submits that the petitioner is entitled for the release of vehicle on *sapurdari* and is not

required to furnish Bank Guarantee or deposit cash value of the said amount as ordered by the Court below, in terms of the latest decision of Hon'ble Division Bench of this Court rendered in ***CWP No.24941 of 2019 (O&M) Darshan Singh Vs. State of Punjab***, decided on 28.01.2020, wherein it has been held as under:-

“..... , we deem it appropriate to order the release of the vehicles on Sapurdari on the condition that the petitioners shall deposit 20% of the assessed amount in cash and give security for the remaining amount along with the other conditions which may have been imposed by the Court to the satisfaction of the Trial Court.”

Learned State counsel does not dispute the legal proposition as above.

In view of above, instant petition is allowed and impugned order dated 21.12.2020 (Annexure P/1) passed by learned Chief Judicial Magistrate, Patiala, is set aside. Consequently, it is ordered that Car make i-20 bearing registration No.PB-02BY-4969 be released to its registered owner on *sapurdari* on depositing 20% of the assessed amount of said vehicle in cash or Bank Guarantee and further furnishing security for the remaining assessed amount along with other conditions as imposed by the Court concerned.

(LALIT BATRA)
JUDGE

28.01.2021
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No