

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

**CRM-M- 8179-2020
Date of Decision: 22.11.2021**

Narender Singh @ Narinder Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed for modification of order dated 17.01.2020 (Annexure P-3) passed by ACJM, Mohali in case FIR No.153 dated 14.12.2019 under Section 61 of Punjab Excise Act 1914, Police Station Phase 11, District SAS Nagar Mohali in terms of which the petitioner was directed to submit the security to the tune of Rs.4 lakhs in the form of cash security or bank guarantee.

[2] Learned counsel for the petitioner has placed reliance on the decision of Hon'ble Division Bench of this Court dated 28.01.2019 in **CWP No.24941 of 2019** titled '**Darshan Singh Vs. State of Punjab**' and also the decision of Coordinate Bench of this Court dated 28.01.2019 in **CRM-M-3747-2021** titled '**Jatinder Singh Vs. State of Punjab**'.

[3] According to decision dated 28.1.2020, the Division Bench has disposed off two petitions namely CWP No.24941 of 2019 and CWP No.18946 of 2019, involving the same issue. The relevant portion of the order reads as under:-

“4 Today learned State counsel states that he has received instructions that the State is willing to re-consider its stand.

5 Counsel for the petitioner in CWP-18946-2019 points out that while this is a welcome step the fact is that the vehicles have been now retained in the police custody since March, 2013 and July, 2019 respectively and the balance of convenience is in favour of the petitioners and therefore, the vehicle should be released.

6 In the circumstances, 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.

7 In view of the stand of the State it is clear that no useful purpose would be served by keeping these petitions pending. Consequently, the same are disposed of as having been rendered infructuous.”

[4] The above decision of the Hon'ble Division Bench has been followed by the coordinate Bench in CRM-M-3747-2021 for releasing the concerned vehicle in the said case on *superdari*.

[5] Therefore, in view of the above decisions, the instant petition is allowed and the impugned order dated 17.01.2020 (Annexure P-3) passed by ACJM, Mohali is set aside. Consequently, it is ordered that the vehicle in question be released on *Sapurdari* in favour of the petitioner subject to

the condition that he shall deposit 20% of the assessed amount in cash and give security for the remaining amount along with the other conditions to be imposed by the trial Court to its satisfaction.

22.11.2021

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**(SUDIP AHLUWALIA)
JUDGE**

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