

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-22076 of 2021
Date of decision:02.07.2021

Jaspreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Shakti Mehta, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Counsel for the petitioner has sought modification of the order dated 08.01.2021 (Annexure P-2) passed by the Sub-Divisional Judicial Magistrate, Samana, whereby, while allowing the application filed by the petitioner for releasing his scooter, make Honda Activa, on *superdari*, the trial Court ordered furnishing of bank guarantee to the tune of Rs.40,000/- from a Nationalized Bank.

Counsel for the petitioner urges that the petitioner is not named as an accused in FIR No.208 dated 22.12.2020 which was registered under Section 61 of the Punjab Excise Act, 1914 at Police Station City Samana,

District Patiala, rather the allegations are against his father. He submits that the vehicle on which his father was travelling was seized by the police alongwith 36 bottles of the country made liquor and the petitioner, who is the registered owner thereof, filed an application under Section 451 Cr.P.C for its release on *superdari*, which has been allowed, vide order dated 08.01.2021 (Annexure P-2), wherein an onerous condition has been imposed by the trial Court to the effect that the petitioner should provide a bank guarantee from a Nationalized Bank.

Counsel has placed reliance upon the order dated 31.03.2021 passed by this Court in CRM-M-14386 of 2021 titled as 'Umesh Yadav Vs. State of Punjab', wherein, similar condition imposed by the trial Court has been ordered to be modified.

Notice of motion.

On asking of the Court, Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State. Upon instructions from ASI Puran Singh, State counsel does not dispute the factual position.

After hearing the counsel for the parties, this Court is of the view that the condition of furnishing of bank guarantee of Rs.40,000/- for a scooter, is harsh. Accordingly, the impugned order dated 08.01.2021 (Annexure P-2) is modified and it is ordered that instead of furnishing a bank guarantee of Rs.40,000/-, the petitioner shall furnish a solvent surety of the like amount. All other conditions imposed by the trial Court shall remain as they are.

The petition is disposed of.

(SUVIR SEHGAL)
JUDGE

July 02, 2021
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<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>