

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(225)

CRM-M-31764-2021

Date of decision: - 22.09.2021

Kuldeep Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Munish Garg, Advocate, for the petitioner.

Mr. Karambir Singh, Assistant Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed against the order dated 30.04.2021, passed by the learned Additional Chief Judicial Magistrate, Barnala, vide which, the petitioner has been directed to deposit a sum of Rs.4,50,000/- for the release of vehicle on Sapurdari.

Learned counsel for the petitioner submits that imposition of said condition of deposit is contrary to the judgment of the Division Bench of this Court passed in **CWP-24941 of 2019** titled as '**Darshan Singh Vs. State of Punjab**', decided on 28.01.2020, wherein, the vehicles were directed to be released on Sapurdari in case a deposit 20% of the assessed amount in cash and security for the remaining amount is furnished alongwith the other conditions which may be imposed by the learned trial Court.

Learned counsel for the petitioner submits that the petitioner

is ready to deposit 20% of Rs.4,50,000/- in cash and will give security of the remaining amount and the order dated 30.04.2021, passed by the learned Additional Chief Judicial Magistrate, Barnala, may kindly be modified to the said extent.

Learned State counsel concedes that the Division Bench in **Darshan Singh (supra)** has passed an order releasing the vehicles on Sapurdari by deposit of 20% of the assessed amount in cash and rest in security.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, the vehicle has been confiscated in respect of FIR No.25 dated 05.03.2021, registered under Sections 61, 68 and 78 of the Punjab Excise Act, 1914 at Police Station Barnala. The prayer of the petitioner is only for release of the said vehicle on Supardari. Learned Court below though has already ordered for release of the said vehicle on Supardari, but with the condition to deposit Rs.4,50,000/- on Bank guarantee or cash security. The said condition, *prima facie*, is contrary to the order passed by this Court in **Darshan Singh (supra)**, wherein, the following order has been passed: -

“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 vehicles 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.”

Keeping in view the above, the order dated 30.04.2021, passed by the learned Additional Chief Judicial Magistrate, Barnala, is modified only to the extent that instead of deposit of Rs.4,50,000/- by way of Bank guarantee and cash security, the petitioner will deposit 20% of Rs.4,50,000/- in cash and the rest by way of a security/personal bonds and the other conditions imposed for releasing the vehicle on Supardari will remain unchanged.

Present petition is disposed of in the above terms.

September 22, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No