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

**CRM-M No.28600 of 2020(O&M)
Date of Decision: 03.03.2021**

**Manjit Singh
Vs**

.....Petitioner

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

[1]. Petitioner has assailed the order dated 30.01.2020 passed by JMIC, SAS Nagar Mohali in FIR No.374 dated 15.11.2019 registered under Sections 61, 1, 14 of Punjab Excise Act at Police Station Sohana, District SAS Nagar, Mohali only to the extent of onerous condition in the form of furnishing bank guarantee for the release of vehicle on superdari.

[2]. Learned counsel for the petitioner submits that the application for release of the vehicle on superdari has been allowed, but the same has been allowed subject to furnishing bank guarantee by the petitioner equivalent to the value of

vehicle in insurance policy. Petitioner is not in a position to furnish bank guarantee on account of his financial constraint. His grievance is that the onerous condition of allowing the vehicle to be released on superdari subject to furnishing bank guarantee is illegal as the Court is not legally entitled to impose such condition in view of ratio laid down in **State of Kerala Vs. A.A. Ali, 2018(4) RCR (Criminal) 112.**

[3]. Learned counsel for the petitioner still submits that the petitioner is ready to furnish two solvent sureties in the like amount and is also ready to file undertaking before the trial Court. He is also ready to keep the registration certificate of the vehicle in the Court till conclusion of the trial and he will not sell/alienate the vehicle in question and will not create any third party interest/encumbrance over the vehicle during pendency of the trial.

[4]. Learned State counsel, however, opposed the petition on the ground that the vehicle is involved in excise matter and is liable to be released only on reasonable condition.

[5]. The issue has been debated in **CRM-M No.23232 of 2019** titled **Rohtas Vs. State of Haryana** decided on 19.10.2019 and **CRM-M No.47871 of 2019** titled **Balwinder Singh Vs. State of Punjab** decided on 08.11.2019.

[6]. In view of judgment rendered by this Court in **Rohtas'**

case (supra) and Balwinder Singh's case (supra), it would be just and appropriate to direct the trial Court to accept two solvent sureties in the like amount from the petitioner instead of execution of bank guarantee by him. Petitioner shall hand over the registration certificate of the vehicle along with an undertaking that he will not sell the vehicle in question and will not create any encumbrance over the vehicle during pendency of the trial.

[7]. With the aforesaid modification, the present petition is disposed of.

(RAJ MOHAN SINGH)
JUDGE

03.03.2021

Prince

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No