

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

Through Video Conferencing

**CRM-M-40186-2021
Date of Decision : 29.11.2021**

Bayer CropScience Ltd.

..... Petitioner

Versus

Union Territory, Chandigarh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Nitin Thatai, Advocate
for the petitioner.

Ms. Simsi Dhir, Addl. Public Prosecutor
for the respondents-UT, Chandigarh.

JASGURPREET SINGH PURI, J (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing/modification of the order dated 17.09.2021 (Annexure P-6), passed by the learned Judicial Magistrate Ist Class, Chandigarh whereby in an application for releasing the vehicle on superdari, filed by the petitioner-Company (in case FIR No.0131 dated 23.08.2021, registered under Sections 279, 337 and 304 of the Indian Penal Code, at Police Station South, Sector 34, Chandigarh), which is a Swift car, the vehicle of the petitioner has been ordered to be released on superdari on stringent conditions by imposing a condition of furnishing superdari bonds in the sum of Rs.4,00,000/- with one surety in the like amount.

Learned counsel for the petitioner has submitted that it is a case where one ambulance had come with a high speed on a red light which hit five vehicles including the vehicle of the petitioner; that all the five vehicles were victims of the high speed ambulance and now the stringent conditions have been imposed by the learned Magistrate for releasing the vehicle of the petitioner. He has further submitted that the impugned order needs to be modified to the extent that the petitioner is ready and willing to furnish any indemnity bond of a value of Rs.4,00,000/- as the condition imposed by the learned Magistrate is harsh and particularly in view of the fact that the petitioner is not an accused in the present case, he was rather a victim.

Learned State counsel has filed a short reply by way of affidavit of Davinder Singh, SHO, Police Station South, Sector, 34, Chandigarh on behalf of respondent-UT, Chandigarh which is taken on record.

In para No. 5 of the said affidavit, it has been submitted by the SHO that he has no objection in case the vehicle of the petitioner is released on superdari.

I have heard learned counsel for the parties.

In view of the factual position wherein the petitioner is already a victim of the rash driving of the ambulance which had come with a high speed and it affected the five vehicles, this Court is of the opinion that the condition of furnishing superdari bonds in the sum of Rs.4,00,000/- with one surety in the like amount for the release of the vehicle of the petitioner on superdari is on a harsh side .

In view of the above, it is directed that the order dated 17.09.2021 (Annexure P-6) is modified to the extent that instead of condition of furnishing superdari bonds in the sum of Rs.4,00,000/- with one surety in the like amount, the petitioner shall furnish indemnity bonds to the tune of Rs.4,00,000/-. Further, the condition imposed with regard to produce the said vehicle in the trial Court on each and every date of hearing is also modified to the extent that the petitioner shall be bound to produce the said vehicle whenever is directed by the trial court.

In view of the above, the present petition is partly allowed and the impugned order dated 17.09.2021 (Annexure P-6) is modified to the aforesaid extent.

29.11.2021
mamta

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No