

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

115

CRM-M-3967-2022

Date of Decision: 11.02.2022

Sukhdarshan Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. H.S. Sitta, Asst. AG, Punjab.

(Through Video Conferencing)

ANOOP CHITKARA J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing the order dated 23.11.2021, passed by learned Judicial Magistrate, Ist Class Samana (Annexure P-2) and order dated 04.01.2022, passed by learned Sessions Judge, Patiala (Annexure P-3), whereby the petitioner was directed to furnish bank guarantee/cash amount for release of vehicle on sapurdari involved in FIR No.153 dated 03.10.2021 registered under Section 61 of Punjab Excise Act at Police Station Ghagga, District Patiala.

Learned counsel for the petitioner submits that the petitioner is entitled for the release of vehicle on sapurdari and is not required to furnish Bank Guarantee or deposit cash value of the said amount as ordered by the Courts below, in terms of the judgment **dated 28.01.2020**, passed by the Division Bench of this Court rendered in **CWP-24941-2019** titled as **Darshan Singh vs. State of Punjab**, wherein it has been held as under:-

“....., 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.”

Learned State counsel does not dispute the legal proposition as above.

Given above, this petition is allowed in terms of the order dated 28.01.2020 passed in CWP-24941-2019.

(ANOOP CHITKARA)
JUDGE

11.02.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No