

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

246

**CRM-M-5988-2022(O&M)
Date of decision: 31.03.2022**

PAWAN

....Petitioner

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Sandeep Sharma, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

Challenge in the instant petition is to the quashing/modification of the order dated 16.07.2021 (Annexure P-4) passed by the Additional Chief Judicial Magistrate, Narnaul, whereby the Trial Court has directed the petitioner/applicant Pawan (registered owner) to deposit 20% of the penalty imposed by the authorities concerned along with furnishing a *supurdginama* in the sum of Rs.10 lakhs with one surety in the like amount to the satisfaction of the trial Court for release of the vehicle.

Learned counsel appearing for the petitioner has contended that the petitioner has no objection to the furnishing of *supurdginama* in the sum of Rs.10 lakhs along with one surety in the like amount, however, his grievance is restricted to the onerous condition of deposit of 20% of the penalty amount.

Learned counsel has placed reliance upon the judgment dated 03.08.2021 passed in CRM-M-30659-2021 titled as Sombir Versus State of Haryana, wherein, the co-ordinate Bench of this Court had held that condition of

cash deposit of 20% of the penalty amount is onerous. It was further observed that the Court in question should not impose oppressive conditions as would amount to virtual denial of the relief.

Accordingly, the order dated 16.07.2021 is modified to the extent that the vehicle is ordered to be released on *supurdagi* to the petitioner on his furnishing a deposit of 10% of the penalty amount. The *supurdginama* as well as the surety shall remain as have been ordered by the trial Court, subject to the conditions that the petitioner shall furnish an undertaking to the effect that:-

- (i) he will preserve the vehicle in the same condition during the pendency of the trial;
- (ii) he will not sell, dispose of, alienate or mortgage etc., the vehicle, during pendency of the trial;
- (iii) he will produce the vehicle before the trial Court as and when directed to do so and;
- (iv) he will ensure that the vehicle is not involved in any other criminal case.

In case of violation of the undertaking by the petitioner, liberty is granted to the prosecution to seek cancellation of the *sapurdari* bond.

Petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

March 31, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>