

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7102-2021 (O&M)

Date of Decision : November 18, 2022

Tej SinghPetitioner

Vs.

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Paras Talwar, Advocate
for the petitioner.

Mr. Navneet Singh, DAG, Punjab.

ARVIND SINGH SANGWAN, J.

CRM-43494-2022

For the reasons stated in the application, the same allowed
and the hearing of the petition is pre-poned for today itself.

CRM-M-7102-2021

Prayer in the petition is for setting aside the order dated
5.10.2020 passed by the trial Court to the extent that the direction
issued for furnishing cash surety/bank guarantee to a tune of Rs.7.00
Lacs for releasing the car bearing Registration No.PB-10-HC-2181, which
was taken as case property in FIR No.159 dated 10.9.2020 under
Sections 61/78/1/14 of the Excise Act, Police Station City Dhuri as well
as the order dated 13.1.2021 vide which the revision filed by the
petitioner was dismissed.

Brief facts of the case are that the aforesaid vehicle was
taken as case property on the allegation that on 10.9.2020, four persons
were travelling in the said car and were carrying illegal liquor not meant
for sale in Punjab.

Thereafter, the petitioner, being the registered owner, filed an application for releasing of the vehicle in question on Sapurdari and vide impugned order dated 5.10.2020 the trial Court ordered the release of the vehicle on furnishing cash surety/bank guarantee in a sum of Rs.7.00 Lacs. The petitioner preferred a revision before the Court of Sessions and the same was partly allowed and the amount of Rs.7.00 Lacs was reduced to Rs.5.00 Lacs.

It is argued on behalf of the petitioner that the petitioner is unable to furnish the cash surety/bank guarantee and the condition laid down in the impugned order is onerous and instead of the said condition, the petitioner can furnish a personal bond and an additional surety bond.

Counsel for the petitioner has relied upon order dated 23.2.2021 passed in CRM-M-18703-2020 titled as **Arshdeep Singh Vs. State of Punjab**. Counsel for the petitioner has also relied upon 2022(2) Law Herald 1314 **Tejinder Singh @ Honey Vs. State of Punjab**, wherein a similar view has been taken and it is directed that instead of cash surety/bank guarantee, the petitioner will deposit the security.

Accordingly, this petition is allowed and it is directed that the petitioner will submit a personal bond to a tune of Rs.3.00 Lacs with additional surety bond of Rs.3.00 Lacs. However, the other conditions, as mentioned in the impugned order passed by the trial Court, shall remain the same.

With the aforesaid modifications in the impugned order, the present petition is disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

November 18, 2022
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