

CRM-M-42007-2021
Date of decision: March 08, 2022

....Petitioner

State of Punjab

....Respondent

Present: Mr. A.P.S. Rehan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for setting aside the order dated 17.3.2021 passed by the trial Court to the extent that while releasing bus No.PB-13-AW-1257 on *Superdari*, the condition of furnishing security to the tune of Rs.20 Lacs by way of bank guarantee or fixed term deposit be dispensed with as well as the order dated 4.6.2021, vide which the appeal filed by the petitioner was dismissed.

Brief facts of the case are that the petitioner is the owner of a transport Company, which is registered owner of a bus bearing registration No.PB-13-AW-1257 which is involved in FIR No.21 dated 14.2.2021 under Sections 304-A, 279 and 427 IPC, registered at Police Station Sadar Faridkot, District Faridkot.

The petitioner has applied for release of the vehicle on *Superdari*. The trial Court vide impugned order, dated 17.3.2021 allowed

the same, however, laid down the condition that the same will be subject to furnishing security to the tune of Rs.20 lacs by way of a bank guarantee or fixed term deposit with any bank in the name of the Court with a clear condition that the amount shall not be released without order of the Court in order to protect the interest of the claimant.

Counsel for the petitioner further submits that the petitioner, thereafter, preferred an appeal before the Additional Sessions Judge, which was dismissed vide impugned order dated 4.6.2021. Counsel for the petitioner has further submitted that the bus is of 2016 model and is not worth Rs.20 Lacs as ordered by the trial Court. Counsel for the petitioner further states that the petitioner is ready to furnish the security to a tune of Rs.05 lacs as per the other terms and conditions laid by the trial Court.

Counsel for the petitioner has further submitted that the bus is lying parked in the premises of the Police Station for the last about one year and with the passage of time, the same will be rendered useless as the rubber parts will outlive their life as well as the engine will also become useless. Counsel for the petitioner has further submitted that the bus belongs to the petitioner-Company M/s Libra Bus Service Pvt. Limited, which owns some other vehicles and, therefore, the interest of the claimants will remain secured as the Company have other properties also.

Learned State counsel could not dispute that the bus is of 2016 model. However, he submits that the Courts below have rightly directed the petitioner to furnish the security to the tune of Rs.20 lacs by way of bank guarantee or bank fix deposits, so as to secure the interest of the claimants.

After hearing learned counsel for both the parties, I find merit in this petition.

Accordingly, this petition is allowed, impugned orders are set aside to the extent that instead of furnishing security to the tune of Rs.20 Lacs, the petitioner will furnish security to a tune of Rs.05 lacs, subject to other conditions as laid down in the order dated 17.3.2021.

The petitions stands disposed of, accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

March 08, 2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No