

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

**CRM-M No.40884 of 2020
Date of Decision: 06.01.2022**

Budh Singh @ Ashu Rehal

.....Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Argued by:- Mr. Manjinder Singh Saini, Advocate
for the petitioner.

Ms. Samina Dhir, D.A.G, Punjab
for the respondent-State.

MEENAKSHI I. MEHTA, J.

By way of this petition, the petitioner has invoked the jurisdiction of this Court under Section 482 Cr.PC to seek the quashing/modification of the order dated 18.08.2020 (Annexure P-6) handed down by learned Additional Sessions Judge, Hoshiarpur, dismissing his revision petition and upholding the order dated 13.05.2020 (Annexure P-4) passed by learned Duty Magistrate whereby the Innova vehicle bearing registration No.PB-07BG-0614 has been ordered to be released on 'Superdari' on his (petitioner's) furnishing the superdari bond and bank guarantee to the tune of Rs.10 lacs.

As per the brief factual-matrix culminating in the filing of the

instant petition, the co-accused of the petitioner named Daljit Singh @ Raju, who was driving the Maruti Car bearing registration No.PB-11M-5005, was chased and apprehended by the police and total 1,04,000 ml. liquor of different brands was recovered during the search of the said vehicle, which led to the registration of a criminal case at Police Station Sadar Hoshiarpur vide FIR No.70 dated 06.05.2020 under Section 61 of the Excise Act and Sections 188 & 269 IPC. During his interrogation, said Daljeet Singh @ Raju allegedly suffered a disclosure statement nominating the petitioner therein as the supplier of the said liquor while revealing that he (petitioner) had transported the liquor to his (co-accused's) place in the above-said Innova vehicle. On the basis of this statement, the petitioner was arrested and said Innova vehicle was also taken into possession by the police. The petitioner moved an application for seeking the release of the said vehicle on *Superdari* which has been disposed of vide the order Annexure P-4 and the revision petition, as filed by him to challenge the said order, has also been dismissed vide the order Annexure P-6 as discussed in the opening para of this judgment.

Reply on behalf of the respondent-State, by way of the affidavit of Deputy Superintendent of Police, City Hoshiarpur and the additional affidavit of the above-said officer, have already been submitted.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

As per the factual position emerging from the perusal of the

file, the above-named co-accused of the petitioner was apprehended by the police and the search of the said Maruti Car, as being driven by him at that time, had resulted in the afore-alleged recovery of the liquor and he is alleged to have suffered a disclosure statement leading to the arrest of the petitioner in this case. The afore-said Innova vehicle is stated to have been taken into possession by the police thereafter. It being so, it would be the subject matter for consideration and adjudication by the trial Court at the relevant stage as to whether this Innova vehicle was used by the petitioner for transporting the liquor to the place of his above-said co-accused or not.

Keeping in view the afore-discussed peculiar facts and circumstances of the case in hand, both the impugned orders are modified only to the extent that instead of furnishing of the bank guarantee for a sum of Rs.10 lacs, the said Innova vehicle be released on *Superdari* subject to the furnishing of the requisite supurdagi bond and surety bond for the said amount.

The instant petition stands allowed accordingly.

January 06, 2022

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*