

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

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CRM-M-50427-2022

Date of decision : 14.12.2022

Gurjeevan Singh

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Bikar Singh Cheema, Advocate for the petitioner.

Mr. Joginder Singh Ratra, Senior D.A.G., Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing/modification of order dated 03.08.2021 passed by learned Additional Sessions Judge, Patiala in case CRR No.60 dated 31.08.2021.

Brief facts of the case are that the petitioner has filed application before the trial Court in case FIR No.153 dated 30.05.2020 registered under Section 31 of the Excise Act at Police Station Patran for releasing his vehicle i.e. Ford Endeavour bearing registration No.PB-29L-0200 on supardari. The said application was allowed by learned Sub Divisional Judicial Magistrate, Samana vide order dated 24.08.2020 and the vehicle in question was ordered to be released in favour of the petitioner subject to furnishing of personal supardari bonds in the sum of Rs.5,00,000/- and bank guarantee in the sum of Rs.5,00,000/- of Nationalized Bank along with other conditions.

Aggrieved against the said order the petitioner has filed the revision petition and learned Additional Sessions Judge, Patiala vide impugned

order dated 31.08.2021 partly allowed the revision and modified the bank guarantee amount of Rs.5,00,000/- to Rs.3,00,000/- and it was ordered that the direction accorded for furnishing the security bonds shall be complied with as per order dated 24.08.2020.

Learned counsel for petitioner submits that the impugned order is extremely onerous to the extent of imposition of condition of furnishing bank guarantee/cash security. The petitioner has no resources to furnish bank guarantee of Rs.3,00,000/-. The investigating agency has already given no objection to the release of the vehicle nor there was any request made by the State to impose such type of condition. The vehicle in question is 12 years old and value of vehicle in question is much lesser than the amount/bonds to be furnished. The petitioner is ready to furnish surety bonds but he is not in a position to furnish the bank guarantee to the tune of Rs.3,00,000/-. Therefore, the impugned order may be quashed or modified to the extent of reducing the amount of bank guarantee.

On the other hand learned State counsel opposes the present petition and submits that the petitioner is the registered owner of the vehicle in question from which the police has recovered 480 bottle of country made liquor without any license or permit. As per provisions of Punjab Excise Act the vehicle shall only be released on submission of security or bank guarantee in form of cash equivalent to the value of the vehicle. However, the revisional Court already reduced the bank guarantee amount of Rs.5,00,000/- to Rs.3,00,000/-. There is no illegality in the impugned order. Therefore, the present petition may be dismissed.

I have heard learned counsel for the parties and gone through the paper-book.

Admittedly, learned Additional Sessions Judge, Patiala vide impugned order dated 03.08.2021 already reduced the bank guarantee amount of Rs.5,00,000/- to Rs.3,00,000/- after evaluating the value of vehicle in question.

In view of the above, this Court is of the considered opinion that there is no illegality or infirmity in the impugned order passed by the learned Additional Sessions Judge, Patiala. The instant petition being meritless, is dismissed.

14.12.2022

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No