

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

CRM-M-57774-2022 (O&M)
Date of Decision: 23.12.2022

SAMAR FINANCE COMPANY REGD. THROUGH
ITS MANAGER HARNEET SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab .

HARSH BUNGER, J.

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of order dated 31.08.2022 (Annexure P-3) passed by the learned Judicial Magistrate IstClass, Samana, whereby, the petitioner has been directed to furnish bank guarantee in the sum of Rs. 4,00,000/- for release of car [Make: Volkswagen JETTA (AT) TDI, Colour: White, bearing registration No. PB-02BJ-8777] on *Sapurdari*, which is involved in case FIR No.0102 dated 12.04.2021 under Sections 61 (1), 14 (Section 78(2) added later on) of Excise Act and Section 192 of the Motor Vehicle Act (added later on), registered at Police Station Patran, District Patiala.

Learned counsel for the petitioner *inter alia* submits that the petitioner is entitled for the release of vehicle on *sapurdari* and is not

required to furnish Bank Guarantee or deposit cash value of the said amount as ordered by the Court below, in terms of judgment rendered by Division Bench of this Court in ***CWP No.24941 of 2019*** titled as ***Darshan Singh Vs. State of Punjab***, decided on 28.01.2020, wherein it has been held as under:-

“....., we deem it appropriate to order the release of the vehicles on Sapurdari on the condition that the petitioners shall deposit 20% of the assessed amount in cash and give security for the remaining amount along with the other conditions which may have been imposed by the Court to the satisfaction of the Trial Court.”

Learned counsel for the petitioner has further placed reliance upon an order dated 28.01.2021 passed by a Co-ordinate Bench of this Court in ***CRM-M-3747 of 2021*** titled as ***Jatinder Singh Vs. State of Punjab*** as well as order dated 11.10.2021 passed in ***CRM-M-40115 of 2021*** titled as ***Harjinder Singh Vs. State of Punjab***.

Learned State counsel has filed a status report by way of an affidavit of Sh.Gurdeep Singh, PPS, Deputy Superintendent of Police, Circle Patran, District Patiala on behalf of respondent-State of Punjab, which is taken on record subject to all exceptions. However, he does not dispute the legal proposition as indicated above.

In view of aforementioned facts and circumstances, the instant petition is allowed and impugned order dated 31.08.2022 (Annexure P-3) passed by learned Judicial Magistrate First Class, Samana, is set aside and Car [Make: Volkswagen JETTA (AT) TDI, Colour: White, bearing registration No. PB-02BJ-8777] is ordered to be released to its registered owner on *sapurdari* on depositing 20% of the assessed amount of said vehicle in cash or Bank Guarantee and further furnishing security for the

remaining assessed amount along with other conditions as imposed by the Court below.

The present petition is disposed of in the abovesaid terms.

Pending application/s, if any, shall also stand disposed of.

December 23, 2022
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No