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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-634-2023
DECIDED ON 21.03.2023

SALWINDER SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON/BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vishal Goel, Advocate
for the petitioner.

Mr. Mohit Thakur, AAG, Punjab

SANDEEP MOUDGIL, J. (ORAL)

The prayer in this petition is for setting aside the order dated 11.11.2022 (Annexure P-1) passed by Additional Chief Judicial Magistrate, Patiala qua furnishing the bank guarantee of Rs.4,00,000/- for the release of vehicle make Maruti Swift Car bearing registration No.PB-11-CX-4543 in FIR No.134 dated 29.08.2022 under Section 61-1-14-78 (2) of Excise Act, 1914 (Annexure P-2) registered at Police Station Sadar Patiala, District Patiala.

Learned counsel for the petitioner has relied upon the orders dated 23.02.2021 and 09.02.2022 passed by co-ordinate Bench in CRM-M-18703-2020 and CRM-M-5453-2022 titled as 'Arshdeep Singh vs. State of Punjab' and 'Tejinder Singh @ Honey vs. State of Punjab' respectively.

Learned State counsel does not dispute the fact that the case of the petitioner is squarely covered by the aforesaid judgments.

After hearing learned counsel for the parties, considering the hardship being faced by the petitioner and the fact that the vehicle is lying unused and parked in police station in an open space and may outlive its life, I deem it appropriate to substitute the condition of furnishing bank guarantee of Rs.4,00,000/- with furnishing of personal bond and a sum of Rs.4,00,000/-.

Accordingly the present petition is allowed and the order dated 11.11.2022 passed by Additional Chief Judicial Magistrate is set aside.

(SANDEEP MOUDGIL)
JUDGE

21.03.2023
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Whether Speaking/Non-Speaking: Yes/No
Whether Reportable: Yes/ No