

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

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**CRM-M-5435-2023
Date of decision: 02.02.2023**

Harwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Inderjit Sharma, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking modification of the order dated 20.10.2020 passed by Judicial Magistrate 1st Class, Moga in case FIR No.0011 dated 06.02.2020 registered under Section 61/1/14 of the Punjab Excise Act, 1914 at Police Station Ajitwal, District Moga.

Learned counsel appearing for the petitioner submits that vide impugned order, the Court while ordering the release of Bolero Pickup vehicle bearing registration No.PB-04-AB-2438 on sapurdari, directed the petitioner to furnish cash security/bank guarantee in the sum of Rs.5 lakhs. Learned counsel further submits that due to the poor financial condition of the petitioner, he would not be able to comply with the conditions imposed by the Trial Court in the impugned order. He has further submitted that the petitioner is ready to furnish surety in the sum of Rs.5 lakhs for the release of the vehicle in question on sapurdari and also undertakes to abide by all the other conditions which were imposed by the learned Trial Court vide the impugned order.

Notice of motion.

On asking of the Court, Mr. Ramdeep Partap Singh, Sr.

DAG, Punjab accepts notice on behalf of the respondent-State.

Learned State counsel submits that the vehicle in question is not required by the investigating agency any longer, however, he urges that since the conditions which have been imposed by the Trial Court are reasonable, they may not be interfered with.

I have heard learned counsel for the parties and perused the material on record.

Admittedly and as conceded by learned State counsel on instructions, the vehicle in question is no longer required by the investigating agency, thus, keeping the vehicle in question in police custody would serve no useful purpose. However, in the light of the financial incapacity of the petitioner to furnish security by way of cash surety/bank guarantee in the sum of Rs.5 lakhs, the said condition imposed by the Trial Court vide the impugned order is set aside.

As a sequel to the above, the instant petition is disposed of and the vehicle in question is ordered to be released to the petitioner on sapurdari, subject to his furnishing sapurdari bonds in the sum of Rs.5 lakhs with one solvent surety in the equal amount. The remaining conditions will, however, remain intact.

02.02.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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