

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

CRM-M-12422-2022

Date of Decision:-22.03.2023

Gursewak Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Kulwinder Singh, Advocate for
Ms. Srishti Shukla, Advocate for the Petitioner.

Ms. Navreet Kaur Barnala, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 482 Cr.PC is for modification of the order dated 27.01.2022 (Annexure P-4) passed by the JMIC Nabha in case FIR No.304 dated 14.12.2021 under Sections 61/78(2) of Punjab Excise Act, 1914 registered at Police Station Sadar Nabha, District Patiala vide which the petitioner has been directed to submit security to the tune of Rs.6 lacs in the form of a bank guarantee.

2. The brief facts of the case are that FIR No. 304 dated 14.12.2021 under Sections 61/78(2) of Punjab Excise Act, 1914 was registered against the petitioner and his wife Gurdeep Kaur. The copy of the FIR is attached as Annexure P-1. The vehicle make Toyota Innova bearing registration number CH-03Y-8219 was taken into possession by the investigating agency. An application was moved under Section 451 Cr.PC for releasing the said vehicle on superdari during the pendency of the Trial. While allowing the said application, the condition of furnishing of security to the tune of Rs.6 lacs in the form of a bank guarantee was imposed vide order dated 27.01.2022 (Annexure P-4). It is this condition imposed in the order which is under challenge in this petition.

3. The counsel for the petitioner contends that the petitioner is not in a financial condition to furnish security to the extent of Rs.6 lacs in the form of a bank guarantee. However, he submits that the petitioner would furnish an undertaking that he would not dispose of the vehicle during the pendency of the Trial and is ready and willing to give the surety of his land and would undertake not to sell the same during the pendency of the Trial. He thus seeks modification of the order to this extent.
4. The Counsel for the State has filed a reply dated 22.03.2023. While enumerating the facts of the case, it is her contention that the condition had rightly been imposed and, therefore, no interference was called for by this Court.
5. I have heard learned Counsel for the parties.
6. In view of the prayer made in the petition and the financial condition of the petitioner, as enumerated in this petition, the condition in the order dated 27.01.2022 is modified to the extent that instead of furnishing a bank guarantee to the extent of Rs.6 lacs the petitioner would provide the original papers of his land as surety and would undertake not to sell the same during the pendency of the Trial. The other conditions imposed in the impugned order shall however remain unaltered.
7. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 22, 2023
Vinay

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