

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16449 of 2023
Date of decision: 13th April, 2023

Palwinder Singh
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Karan Chaudhary, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

The petitioner is seeking quashing/modification of the part of order dated 29.07.2022 (Annexure P-3) passed by learned Judicial Magistrate 1st Class, Batala in Criminal Appeal bearing CIS No.CRM-524-2023 titled as 'State vs. Palwinder Singh' whereby a condition was imposed upon him to deposit/furnish security in the sum of ₹ 5.00 lacs in the form of Bank Guarantee/Fixed Deposit qua the sapurdari of bus bearing registration No.PB03-T-7737.

Learned counsel for the petitioner inter alia contends that while allowing the appeal bearing CIS No.CRM-524-2023 for release of the bus on sapurdari vide impugned order (Annexure P-3) dated 29.07.2022, learned Judicial Magistrate 1st Class, Batala had imposed an onerous condition to furnish security amounting to ₹ 5.00 lacs in the form of Bank Guarantee/FDR.

Learned counsel further submits that in compliance of the order, the petitioner has already furnished the Bank Guarantee on 02.08.2022, yet the said condition deserves to be quashed as it is excessive, illegal and contrary to the recognized principles of law. A prayer has therefore, been made that the onerous condition of furnishing Bank Guarantee/FDR of ₹ 5.00 lacs be quashed and the impugned order be modified accordingly.

A further prayer has been made that the Bank Guarantee/FDR which has already been furnished by the petitioner, be refunded back to him.

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

Admittedly, the petitioner has already furnished the Bank Guarantee amounting to ₹ 5.00 lacs before the learned Judicial Magistrate 1st Class, Batala, and has subsequently, also obtained custody of the vehicle in question.

Therefore, in the above circumstances, this Court does not deem it fit to entertain the present petition at such a belated stage. Accordingly, this petition being devoid of any merit, is dismissed.

(MANJARI NEHRU KAUL)
JUDGE

April 13, 2023

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No