

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

247

CRM-M-16696-2022

Date of decision : 24.05.2023

Gurlal Singh @ Pritpal Singh

.....Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Parveen Kumar Garg, Advocate
for the petitioner

Mr. Jashanpreet Singh, DAG, Punjab

AMAN CHAUDHARY, J.

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of the partly impugned order dated 08.04.2022, Annexure P-1, passed by the trial Court in application No. CRM-90-2022 in FIR No. 58 dated 28.03.2021 registered under Sections 61, 78, 1 and 14 of the Excise Act, at Police Station Dirba, District Sangrur, whereby allowing the application of the petitioner for releasing the car on sapurdari, the petitioner has been directed to furnish cash/ bank guarantee of Rs.2,00,000/-.

2. Learned counsel contends that the vehicle that was confiscated has been ordered to be released on sapurdari by the trial Court on an application filed by the petitioner vide order dated 08.04.2022, Annexure P-1. However, an onerous condition of depositing of security to the tune of Rs.2,00,000/- in the form of cash/ bank guarantee has been imposed. He further submits that he is ready to furnish the personal bond and an additional security bond of Rs.2,00,000/- instead of the aforesaid condition.

He relies on the orders passed by this Court in CRM-M-18703-2020 dated

23.02.2021 titled as **Arshdeep Singh vs. State of Punjab** and CRM-M-5453-2022 dated 09.02.2022 in **Tejinder Singh @ Honey vs. State of Punjab**.

3. Learned State counsel on the other hand submits that the condition that has been imposed upon the petitioner is just and reasonable and the impugned order has been validly passed.

4. Heard.

5. As stated, the vehicle in question is no longer required by the police and if it remains in their custody, shall loose its value and utility. The petitioner is a very poor person and is unable to furnish the cash/ bank guarantee for its release and in place of the same, is ready to furnish the personal bond and an additional security bond of Rs.2,00,000/-. Hon'ble The Supreme Court of India in the case of **State of Kerala vs. A.A.Ali**, 2018 (4) RCR (Crl.) 112 had held that the Courts should not insist on furnishing of the bank guarantee in such like cases.

6. In view of the afore-referred judgments, facts and circumstances of the present case, the present petition is disposed by modifying the order of the trial Court only to the extent of furnishing cash/ bank guarantee, in place of which, the petitioner is directed to furnish personal bond and an additional security bond of Rs.2,00,000/-, however, the remaining conditions will remain intact.

24.05.2023

Mehak

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No