

243 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29563-2019
Decided on : 28.02.2023

Gurwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. H.S.Dhindsa, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

The petitioner is praying for quashing of order dated 29.04.2019 (Annexure P-1) passed by Sub Divisional Judicial Magistrate, Moonak and order dated 18.05.2019 (Annexure P-3) passed by Sessions Judge, Sangrur.

Learned counsel for the petitioner while drawing the attention of this Court to the impugned order dated 29.04.2019 (Annexure P-1) vide which the vehicle in question, which was a 2014 Swift Deziere Car, was ordered to be released to him on superdari on furnishing either cash deposit of Rs.4 lakhs or furnishing bank guarantee in equal sum, *inter alia* submits that the Courts below had erred in evaluating the price of the vehicle in question on the higher side, as its value was not more than Rs.1 lakh in the market. Therefore, the directions to deposit Rs.4

lakhs as bank guarantee was an onerous condition and also contrary to the provisions of Punjab Excise (Second Amendment) Act, 1917. The petitioner was ready to furnish security in the sum of Rs.2 lakhs for the release of vehicle in question on superdari and also ready to give an undertaking to abide by all other conditions, which had been imposed by the learned trial Court vide order dated 29.04.2019.

Learned State counsel, on the other hand, submits that though the vehicle in question is no longer required by the investigating agency, however, the conditions, which were imposed by the trial Court, may not be interfered with.

Heard learned counsel for the parties and perused the relevant material available 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 deposit cash security/bank guarantee in the sum of Rs.4 lakhs, this Court deems it appropriate to modify the said condition imposed by the trial Court vide order dated 29.04.2019 (Annexure P-1) . The vehicle in question is ordered to be released on superdari to the petitioner on furnishing either cash deposit of Rs.2 lakhs with State or furnish Bank Guarantee in equal sum within a period of 10 days from the date of receipt of the certified copy of the

order. The remaining conditions will, however, remain intact.

The present stands disposed of in the above terms.

(MANJARI NEHRU KAUL)
JUDGE

28.02.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No