

S. No.263

2023:PHHC:114271

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

CRM-M-38649 of 2021

Date of Decision:31.08.2023

Jagdeep Singh

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. J.S. Bhinder, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

DEEPAK GUPTA, J.

Car bearing No.PB-13-AX-3838 (wrongly recorded as PB-13-X-3838 in the impugned order dated 15.08.2020) was impounded by the Police during investigation of case FIR No.8 dated 11.01.2020 registered at Police Station Sadar Patiala under Section 61 of the Punjab Excise Act, 1914 and Section 473 IPC.

Petitioner being the registered owner applied for releasing the car on superdari. By way of impugned order dated 15.08.2020, learned Judicial Magistrate Ist Class, Patiala allowed the application subject to the condition that petitioner has to furnish superdari bond in the sum of ₹3 lacs with one surety in the like amount plus bank guarantee in the like amount with the further conditions.

Challenging the afore-said order, it is contended by learned counsel for the petitioner that value of the car is much less than ₹3 lacs and that the petitioner is ready to deposit the amount of ₹1,20,000/- in the shape of FDR which may be retained by the trial Court as a security.

It is further informed by learned Counsel that car in question is Swift Dzire model of 2017, the market value of the same is much less.

Learned State Counsel has no serious objection to the afore-said proposal.

Having regard to the afore-said facts and circumstances of the case, the present petition is allowed. The impugned order dated 15.08.2020 passed by learned trial Court is hereby modified to the extent that car in question shall be released on superdari to petitioner on his furnishing superdari bond in the sum of ₹1,50,000/- with one surety in the like amount plus FDR of the same amount which will be retained by the Court, till disposal of the matter.

Disposed of.

August 31, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No