

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

CRM-M-35922-2022

Date of Decision: January 18, 2023

GURVINDER SINGH

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

NAMIT KUMAR, J.(ORAL)

The present petition has been filed by the petitioner under Section 482 Cr.P.C. seeking quashing of the order dated 26.11.2020 (Annexure P-4) passed by learned Sub-Divisional Judicial Magistrate, Samana, whereby while allowing the application filed by the petitioner for releasing his car make Verna Hundai bearing registration No.CH-01CA-8519, on superdari, the trial Court ordered to furnish bank guarantee in the sum of Rs.7 lakh by Nationalized Bank and also personal superdari bonds in the sum of Rs.7 lakhs.

Learned State counsel has filed reply on behalf of the respondent-State which is taken on record.

Learned counsel for the petitioner placed reliance upon the orders dated 05.06.2020 passed in CRM-M-14229 of 2020 titled as 'Udeek Singh @ Tinku Vs. State of Punjab' and 11.01.2021 passed in CRM-M-1133 of 2021 titled as 'Suraj Khan @ Shokat Ali @ Kala' by the

Co-ordinate Benches of this Court, wherein, similar conditions imposed by the trial Court were ordered to be modified.

After hearing learned counsel for the parties, this Court is of the view that condition of furnishing of bank guarantee of Rs. 7 lakh is onerous, accordingly, the order dated 26.11.2020 (Annexure P-4) is modified and it is ordered that instead of giving bank guarantee of Rs. 7 lakh, the petitioner shall furnish a solvent surety of the like amount.

All other conditions imposed by the trial Court shall remain unaltered.

Petition is disposed of.

(NAMIT KUMAR)
JUDGE

18.01.2023

Sangeeta

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No