

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

252

CRM-M-44880-2022
Date of decision: 31.01.2023

Gurpreet Singh Sandhu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nirbhay Singh, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking setting aside of the order dated 23.11.2021 (Annexure P-3) passed by Judicial Magistrate 1st Class, Samana in case FIR No.107 dated 14.04.2021 registered under Sections 61, 78(2) of the Punjab Excise Act, 1914 at Police Station Patran, District Patiala.

Learned counsel appearing for the petitioner submits that vide impugned order, the Court while ordering the release of car bearing registration No.PB-13-BB-7341 Mark XYLO on sapurdari, directed the petitioner to furnish bank guarantee in the sum of Rs.5 lakhs with one surety in like amount. Learned counsel further submits that due to the poor financial condition of the petitioner, he would not be able to comply with the conditions imposed by the Trial Court in the impugned order. He has further submitted that the petitioner is ready to furnish surety in the sum of Rs.5 lakhs for the release of the vehicle in question on sapurdari and also undertakes to abide by all the other conditions which were imposed by the learned Trial Court vide the

impugned order.

Learned State counsel on the other hand submits that the vehicle in question is not required by the investigating agency any longer, however, he urges that since the conditions which have been imposed by the Trial Court are reasonable, they may not be interfered with.

I have heard learned counsel for the parties and perused the material 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 furnish security by way of cash surety/bank guarantee in the sum of Rs.5 lakhs, the said condition imposed by the Trial Court vide the impugned order (Annexure P-3) is set aside.

As a sequel to the above, the instant petition is disposed of and the vehicle in question is ordered to be released to the petitioner on sapurdari, subject to his furnishing sapurdari bonds in the sum of Rs.5 lakhs with one solvent surety in the equal amount. The remaining conditions will, however, remain intact.

31.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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