

(250)

2023:PHHC:064436

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45241 of 2022

Date of Decision: May 04, 2023

Sukhjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rajat Dogra, Advocate for the petitioner.

Mr. G.S. Shergill, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

TATA ACE Tampoo (Chhotha Hathi) bearing registration No.PB-05-AN-3669, belonging to the petitioner was impounded during the investigation of case FIR No.12 dated 09.01.2021 registered at Police Station Dirba, District Sangrur under Sections 61 and 78 of the Punjab Excise Act, 1914.

Petitioner applied for superdari of the said vehicle. The application was allowed vide order dated 14.07.2021 (Annexure P.2) but one of the condition imposed to release the vehicle was that the petitioner had to furnish security to the tune of ₹2 lacs in the form of cash or a bank guarantee, apart from other conditions. Revision against the said order was filed, which was disposed of vide order dated 21.10.2021 (Annexure P.3) by learned Additional Sessions Judge, Sangrur whereby the condition of cash/ bank guarantee was reduced from ₹2 lacs to ₹1 lac.

By way of this petition, prayer is made for modification of the aforesaid orders. It is submitted by learned counsel that vehicle in question is of the model 2012; that petitioner is a poor person and is not

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in a financial position to arrange an amount of ₹1 lac in cash or to
furnish bank guarantee.

In view of the above, petition is allowed. Impugned orders
are hereby modified with the direction to release the vehicle on
furnishing superdarinama in the sum of ₹1 lac with surety in the like
amount. Rest of the conditions mentioned in impugned order of learned
Magistrate shall remain the same.

Disposed of.

May 04, 2023	(DEEPAK GUPTA)
renu	JUDGE
Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No