

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46425-2019
Date of Decision: April 24, 2023

VIJAY SINGH Petitioner

Versus

STATE OF PUNJAB Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. B.S. Bhalla, Advocate for petitioner.
Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 CrPC, challenge has been laid to the orders dated 29.09.2018 and 14.10.2019 passed by the Courts below whereby the release of vehicle on Superdari has been ordered in favour of petitioner against deposit of Rs.4,00,000/-

2. In the facts of the present case, the vehicle, in question, i.e. car was impounded on account of having found country-made liquor therein, consequently, FIR bearing No.168 dated 02.08.2018, Police Station Lambi, District Sri Muktsar Sahib under Section 61 of Excise Act, Sections 420, 472 IPC and Section 78 of Motor Vehicle Act was registered. An application for release of vehicle on superdari was moved at the instance of petitioner which was disposed of vide order dated 20.09.2018 passed by trial Court, directing the release of vehicle on deposit of cash amount of Rs.4,00,000/- in the treasury of the

Court.

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3. Aggrieved thereof, the petitioner filed revision petition which came to be dismissed vide order dated 14.10.2019 passed by the Court of Addl. Sessions Judge, Sri Muktsar Sahib.

4. By way of present revision petition, both the aforesaid orders have been impugned.

5. Learned counsel for petitioner submits that the condition of deposit of Rs.4,00,000/- against release of vehicle in question on superdari is extremely onerous. He further submits that the confiscation proceedings have not been initiated so far, qua the vehicle in question and thus the condition of deposit of cash could not have been imposed against release of vehicle on superdari.

6. On the other hand, learned State counsel submits that the condition imposed vide impugned orders is just and reasonable.

7. I have heard learned counsel for parties and have perused the paper-book.

8. Admittedly, the release of vehicle in question on superdari has been found to be meritorious by the Courts below, however, while allowing the same condition of deposit of cash of Rs.4,00,000/- with the treasury of the trial Court has been ordered against the petitioner. In the present case, the FIR was registered way back in August 2018 and the order of release of vehicle subject to deposit of Rs.4,00,000/- was passed on 20.09.2018 whereas the petitioner has

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not been able to get the vehicle released for want of deposit of the aforesaid amount which itself shows that the condition imposed vide orders passed by Courts below is onerous. Admittedly, trial has not concluded though a period of more than 4 years and 5 months have gone by and as per the information provided by learned State counsel even confiscation proceedings have not been initiated qua the vehicle in question.

9. In view of the facts and circumstance narrated herein-above and in view of observations made by Division Bench of this Court in its order dated 28.01.2020 passed in **CWP-24941-2019** titled as **“Darshan Singh. Vs. State of Punjab”**, the release of vehicle in question on superdari is ordered in favour of petitioner, subject to condition that he shall deposit 20% of the assessed amount in question and give security for the remaining amount along with the other condition which may be imposed by the trial Court to its satisfaction.

10. With the aforesaid observations, the orders dated 29.09.2018 and 14.10.2019 passed by the Courts below are modified and the other conditions as mentioned therein would remain the same.

11. Disposed of accordingly.

24.04.2023
tejwinder

(**HARKESH MANUJA**)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>