



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

CRM-M-54793-2024

Date of decision: 06.11.2024

IRCON International Limited

...Petitioner

Versus

State of UT Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Abdul Aziz, Advocate and
Mr. N.A. Baba, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner through its General Manager Lokesh Gupta, under Section 528 of BNSS 2023 seeking quashing of the order dated 07.10.2024 Annexure P-1 passed by the Court of Judicial Magistrate Ist Class, Chandigarh in IA No.01/2024 filed by the petitioner in a criminal case having FIR No.32 dated 09.03.2021, Police Station West, Sector-11, Chandigarh, to the extent whereby onerous conditions are imposed by the Court concerned while allowing the application moved by the petitioner seeking release of Railway coach No.11757 and Demo Engine No.DPC-11147, on superdari.

2. Notice of motion.

3. Mr. Rajeev Anand, Addl. P.P., UT Chandigarh, accepts notice on behalf of the UT Chandigarh.

4. The counsel for the petitioner submits that the learned trial Court while allowing the superdari application with regard to release of



aforesaid railway property imposed highly unreasonable conditions to the effect that the same are to be released subject to furnishing of superdari bonds in sum of Rs.30 lacs with one surety in like amount. It is further submitted that the superdari application was filed by Lokesh Gupta, General Manager/Project Manager of IRCON International Limited (A Government of India undertaking), in his official capacity. That it is not possible for Lokesh Gupta to arrange for a surety worth Rs.30 lacs in his official capacity. It is further submitted that even otherwise, the railway coach and rail engine are owned by Indian Railways. That in the given circumstances, the aforesaid conditions being onerous are required to be modified.

5. The counsel appearing on behalf of UT Chandigarh has not disputed the fact that the aforesaid railway coach and engine which are subject matter of the criminal case in question, are owned by Indian Railways. Even the fact that IRCON International Limited is a Government of India undertaking is not refuted by the counsel appearing on behalf of UT Chandigarh.

6. In light of the above, it is apparent that the property which is sought to be released on superdari belongs to Indian Railways and the present petition is filed by Lokesh Gupta who is working as General Manager in the aforesaid Government undertaking. The superdari of the railway coach and engine is being sought in his official capacity by Lokesh Gupta. It being so, the condition imposed by the learned trial Court that release of the articles on superdari will be subject to superdari bonds in sum of Rs.30 lacs with one surety in like amount seems to be unreasonable and is akin to denying the relief and thus, requires modification.



7. Accordingly, the impugned order is hereby modified and it is ordered that instead of furnishing superdari bonds in sum of Rs.30 lacs with one surety in like amount, the petitioner shall furnish superdignama in his official capacity i.e. superdari bond with one solvent surety in a nominal token amount to the satisfaction of the Court concerned. All the other conditions imposed by the Court of Judicial Magistrate Ist Class, Chandigarh shall remain unaltered.

8. The present petition is disposed of in aforesaid terms.

06.11.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**