



115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2679-2025

Date of decision : 18.01.2025

Kashmiri Lal

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Amandeep Saini, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. The present petition has been filed under Section 528 BNSS for quashing/modifying the order dated 18.11.2023 (Anenxure P-3), passed by the Sessions Judge, SBS Nagar having been passed harshly while directing the petitioner to furnish bank guarantee of a sum of Rs.5,00,000/- in the interest of justice, arising out of FIR No.34 dated 28.03.2022 under Sections 302, 148, 149, 120-B of IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station Rahon, District SBS Nagar.

2. Learned counsel contends that the vehicle that was confiscated was ordered to be released on sapurdari by the trial Court vide order dated 18.11.2023 (Annexure P3) passed on an application filed by the petitioner. However, an onerous condition of furnishing Sapurdari Bonds in the shape of Bank guarantee to the tune of Rs.5,00,000/- has been imposed. He further submits that he is ready to furnish the personal bonds and an additional surety bonds of Rs.5,00,000/- instead of the aforesaid condition. He further submits that the petitioner is a poor person and as such is unable to fulfill the condition of bank guarantee of Rs.5,00,000/- He relies on the orders passed by this Court in CRM-M-

18703-2020 dated 23.02.2021 titled as “*Arshdeep Singh vs. State of Punjab*” and CRM-M 5453-2022 dated 09.02.2022 in “*Tejinder Singh @ Honey vs. State of Punjab*”.

3. Notice of motion.
4. At the asking of the Court, Mr. Karunesh Kaushal, A.A.G., Punjab, appears and accepts notice on behalf of the respondent-State. He submits that the condition that has been imposed upon the petitioner is just and reasonable and the impugned order has been rightly passed.
5. Heard.
6. As stated, the vehicle in question is no longer required by the police and if it remains in their custody, shall loose its value and utility. The petitioner is a poor person and is unable to furnish the cash/ bank guarantee for the release of vehicle in question and in place of the same, he is ready to furnish the personal bonds and an additional surety bonds of Rs.5,00,000/-. Hon'ble The Supreme Court of India in the case of “**State of Kerala vs. A.A.Ali**”, 2018 (4) RCR (CrI.) 112 had held that the Courts should not insist on furnishing of the bank guarantee in such like cases.
7. In view of the afore-referred judgments and facts and circumstances of the present case, the present petition is disposed of by modifying the order of the trial Court only to the extent of furnishing cash/ bank guarantee, in place of which, the petitioner is directed to furnish personal bond and an additional surety bonds of Rs.5,00,000/-, with one surety in the like amount, however, the remaining conditions of the said order will remain intact.

18.01.2025
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(RAJESH BHARDWAJ)
JUDGE

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