



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

CRM-M-3608-2024

Date of decision: 15.01.2025

JEET SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 Cr.P.C. seeking quashing of impugned order dated 14.06.2023 passed by learned Judicial Magistrate Ist Class, Ferozepur in case bearing FIR No.60 dated 30.05.2023 (Annexure P-1) registered under Sections 304-A/279/427 IPC at Police Station Kulgari, District Ferozepur.

2. Mr. K.S. Brar, Advocate has put in appearance on behalf of the petitioner and filed his *vakalatnama*, with an endorsement of no objection, which is taken on record. Registry is directed to tag the same at the appropriate place. Learned counsel for the petitioner *inter alia* contends that the FIR (*supra*) was registered under Sections 304-A, 279 and 427 of IPC at Police Station Kulgari, District Ferozepur. He submits that the driver of the offending bus, namely, Baljit Singh is accused in the FIR (*supra*) and the accident has taken place due to rash and negligent driving of offending bus, which was being driven in rash and negligent manner. The bus has hit the tractor of the petitioner from behind. Some persons travelling in the bus suffered injuries and



daughter-in-law of the complainant died during treatment. The jurisdictional police authorities have taken both the vehicles involved in the accident into possession. The petitioner is an agriculturist and he requires his tractor for earning livelihood for his family. As such, he filed application seeking the release of his tractor and trolley Make Eicher 557 bearing Registration No.PB 22-k-9632. The learned lower Court imposed the condition of furnishing additional security in the form of bank guarantee in a sum of Rs.3 lakhs for releasing the tractor-trolley of the petitioner. Learned counsel further submits that the petitioner is a marginal farmer and he is not in a position to pay the huge amount of Rs.3 lakh as additional security in the form of bank guarantee. The petitioner is not the accused in the FIR (*supra*) and he relies upon the judgment passed by this Court in ***Kulwant Singh vs. State of Punjab*** bearing ***CRM-M No.32708 of 2019*** and ***Gurwinder Singh vs. State of Punjab*** bearing ***CRM-M No.23596 of 2020***.

3. *Per contra*, learned State counsel opposes the prayer made by the petitioner on the ground that the learned trial Court has passed a well reasoned order. However, he could not controvert the fact that the petitioner is not the accused in FIR (*supra*).

4. Having heard learned counsel for the parties, this Court is of the considered view that the tractor-trolley of the petitioner is 07 years old and due to financial constraints, it is not possible for him to furnish bank guarantee in the sum of Rs.3 lakhs and he is ready to furnish the surety bonds to the satisfaction of the learned trial Court.

5. In view of the aforementioned facts and also the precedent in ***Kulwant Singh (supra)*** and ***Gurwinder Singh (supra)***, the impugned order is quashed to the extent of imposing the condition of additional security in the



shape of bank guarantee in the sum of Rs.3 lakhs, however, the petitioner is directed to furnish surety bonds as ordered by the learned trial Court.

January 15, 2025
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(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |