

2025:PHHC:080303



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

154

CRM-M-34790-2025 (O&M)
Date of decision: 07.07.2025

Kartar Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Preetinder Singh Dhaliwal, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) seeking quashing of order dated 09.05.2025 (Annexure P-3), passed by the learned Chief Judicial Magistrate, Barnala, whereby the vehicle of the petitioner has been ordered to be released on furnishing security bonds of Rs. 3,00,000/- with one surety in the like amount in the shape of FDR or bank guarantee.
2. Learned counsel for the petitioner has submitted that an FIR bearing No. 0019 dated 18.03.2025 has been registered under Section 61 and 78(2) of the Punjab Excise Act, 1914 at Police Station Thulliwal, District Barnala, in which, the car of the petitioner bearing registration number PB-13-AH-8330 has been confiscated. The petitioner had moved an application before the learned trial Court for releasing the said vehicle, which has been allowed but the petitioner has been directed to furnish security bonds of Rs. 3,00,000/- with one surety in the like amount in the shape of FDR or bank guarantee, which is not possible for the petitioner to arrange.

2025:PHHC:080303



3. Notice of motion.
4. Ms. Himani Arora, AAG, Punjab, who has advance notice of the petition and is ready to argue the matter, has submitted that there is no infirmity or illegality in the impugned order.
5. After hearing learned counsel for the parties and going through the material placed on record, this Court is of the view that the direction given by the learned Chief Judicial Magistrate in the impugned order with regard to furnishing of security bonds to the tune of Rs. 3,00,000/- in the shape of FDR or bank guarantee is a little harsh one. In view thereof, the instant petition is disposed of and the impugned order is modified to the extent that instead of furnishing security bonds to the tune of Rs. 3,00,000/- in the shape of FDR or bank guarantee, the petitioner shall furnish surety in the like amount. The surety should be sound one, having sufficient proof of immovable properties to that extent, situated within the jurisdiction of the Court.

07.07.2025*Waseem Asari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*