

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

285

2025:PHHC:131495



CRM-M-1781-2025 (O&M)
Date of decision: 22.09.2025.

RAJVEER SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. Balwan Singh, Advocate,
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present petition is to the order dated 05.05.2022, passed by the Judicial Magistrate First Class, Samana in CRM No.176 of 2022, titled as State Vs. Prem Singh, filed in case bearing FIR No.105 dated 14.04.2021, under Section 61 and Section 78 (2) of the Punjab Excise Act, 1914, registered at Police Station Patran, District Patiala, whereby the application submitted by the petitioner for release of the vehicle has been allowed, however, he was directed to furnish bank guarantee in the sum of Rs.3 lakhs with one surety of like amount. Aggrieved of the

exorbitant conditions prescribed for the release of the vehicle, the instant petition has been filed.

When the matter came up for hearing on 16.01.2025, the following order was passed: -

*“While making reference to the decision dated 28.01.2020 of Division Bench of this Court passed in CWP-24941-2019, titled as **Darshan Singh Vs. State of Punjab**, contends, inter alia, that petitioner is ready to deposit 20% of the assessed value of the vehicle in cash and also to give security for the remaining amount within 04 weeks from today.*

Notice of motion.

At this stage, Mr. Kunwarbir Singh, learned AAG, Punjab, accepts notice on behalf of the respondent-State; seeks time to have instructions and/or to file written response in the matter.

*Posted for **20.01.2025**.*

*Be shown in the **Urgent** list.”*

In compliance thereto, reply dated 20.01.2025 by way of affidavit of Mr. Inderpal Chohan, PPS, Deputy Superintendent of Police, Circle Patran, District Patiala, has been filed.

As per the mechanical report furnished with the aforesaid reply, the market value of the vehicle bearing Registration No.DL-12-C-6712 as on January 2025 is Rs.1,35,000/-.

Taking into consideration the market value of the vehicle and the undertaking given by the petitioner, the condition of furnishing bank guarantee of Rs.3 lakhs with one surety of like amount seems to be excessively harsh.

Consequently, the present petition is allowed. The order dated 05.05.2022, passed by the Judicial Magistrate First Class, Samana, is modified to the extent that vehicle bearing Registration No.DL-12-C-6712 is ordered to be released on superdari to the petitioner on depositing 20% of the aforesaid market value with the Court and to furnish the bank guarantee qua the balance value of the vehicle along with a surety of the like amount.

September 22, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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