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

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CRM-M-24845-2026 (O&M)

Date of decision: 04.05.2026

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

Present:- Mr. Vedant Setia, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Senior DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside/modification of the condition imposed by the learned trial Court in the order dated 13.03.2026 (Annexure P-4), passed in the case arising out of FIR No. 206 dated 20.12.2025, registered under Sections 61 and 78(2) of the Punjab Excise Act at Police Station Khuian Sarwar, District Fazilka, whereby the petitioner was directed to furnish a bank guarantee to the tune of Rs.8,00,000/- for release of the vehicle bearing registration number HR-22-R-7257 on *sapurdari* and also for setting aside the order dated 13.04.2026, passed by the learned revisional Court, whereby the revision petition, filed by the petitioner against the aforesaid order passed by the learned trial Court, was dismissed.

2. The petitioner stands accused of illicit sale of liquor and is facing trial in the aforementioned case. The vehicle allegedly used in the commission

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of the offence, i.e. a Maruti Brezza bearing registration number HR-22-R-7257, was seized by the police. The petitioner had sought its release on *sapurdari* by moving an application before the learned trial Court, which was allowed. However, while directing its release on *sapurdari*, the learned trial Court imposed a condition requiring the petitioner to furnish bank guarantee in the sum of Rs.8,00,000/- along with certain other conditions. Aggrieved from the same, the petitioner filed a revision petition before the learned revisional Court but the same had been dismissed, vide impugned order dated 13.04.2026.

3. It is argued by learned counsel for the petitioner that the condition of furnishing a bank guarantee to the tune of Rs.8,00,000/- is excessively onerous, arbitrary and beyond the financial capacity of the petitioner, thereby defeating the very purpose of granting release of the vehicle on *sapurdari*. It is further argued that such a stringent condition virtually amounts to denial of relief as the petitioner is unable to comply with the same. It is further argued that the vehicle in question is not a case property required for the purpose of trial inasmuch as its custody is not necessary for proving the allegations. The continued retention of the vehicle at the police station serves no useful purpose and is causing irreparable loss to the petitioner, as the vehicle is a depreciating asset and is being exposed to natural wear and tear. It is further argued that in similar circumstances, this Court has held that conditions imposed for release of a vehicle should be reasonable and capable of compliance by the owner, vide order dated 23.02.2021 passed in **CRM-M-18703-2020**, titled as **Arshdeep Singh v. State of Punjab**, and order dated 03.02.2025 passed in **CRM-M-6007-2025**, titled as **Rinku Babu v. State**

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of Punjab. It is further argued that the learned Courts concerned have failed to appreciate that the petitioner is ready and willing to furnish adequate security in the form of surety bonds and to abide by any condition to ensure production of the vehicle as and when required. Therefore, insisting upon a bank guarantee of such a high amount is wholly unjustified. It is, thus, urged that the impugned orders be set aside/modified to the extent of the condition requiring furnishing of bank guarantee of Rs.8,00,000/- and the same be suitably reduced or substituted with reasonable conditions, so as to enable the petitioner to secure release of the vehicle.

4. Notice of motion.

5. Learned State counsel, 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 orders. The condition of furnishing a bank guarantee has been imposed upon the petitioner to adequately safeguard the interest of the prosecution and to ensure production of the vehicle as and when required during the course of trial. Hence, it is urged that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The limited question that arises for consideration is whether the condition imposed by the learned trial Court requiring the petitioner to furnish a bank guarantee to the tune of Rs.8,00,000/- for release of the vehicle on *sapurdari* is reasonable and proportionate in the facts and circumstances of the case. It is not in dispute that the vehicle in question is not required to be retained in physical custody for the purpose of trial and that its continued lying at the police station would only result in deterioration of its condition,

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being a depreciating asset. The object of granting interim custody on *sapurdari* is to preserve the property and not to subject the owner to undue hardship. While the Courts below were justified in imposing conditions to secure production of the vehicle during trial, such conditions ought to be reasonable and capable of compliance. Imposition of an excessively onerous condition, which the petitioner is unable to fulfil due to financial constraints, would in effect defeat the very relief granted by the Court. In the considered view of this Court, the condition of furnishing a bank guarantee in the sum of Rs.8,00,000/- appears to be on the higher side and disproportionate, particularly when the petitioner has expressed willingness to furnish adequate security and abide by all conditions to ensure production of the vehicle as and when required.

8. Accordingly, without commenting on the merits of the case, the present petition is allowed. The impugned orders are modified to the extent that the condition requiring the petitioner to furnish a bank guarantee of Rs.8,00,000/- is reduced to Rs.4,00,000/-. The remaining conditions imposed by the learned trial Court shall remain unaltered.

9. It is made clear that in the event of failure on the part of the petitioner to produce the vehicle as and when directed, the State shall be at liberty to seek appropriate remedies in accordance with law.

04.05.2026

Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No