

125 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-37063-2021
Date of decision : 16.9.2021

Karambir Saini

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Sandeep Lathar, Advocate for the petitioners

Mr.Surender Singh, AAG, Haryana

HARINDER SINGH SIDHU, J.

The present petition under Section 482 Cr.P.C. has been filed for quashing the order dated 25.6.2021 passed by learned Judicial Magistrate 1st Class, Jind, whereby, application filed by the petitioner for release of the truck bearing registration No.HR-61-C-4089 confiscated on 4.6.2021, was allowed to the extent that the SHO was directed to release the Truck on Superdginama in the sum of Rs.20,00,000/- with one surety in the like amount, further subject to payment of the compensation/penalty as per order/notice of the District Mining Officer dated 07.06.2021.

Ld. Counsel for the petitioner has stated that the vehicle was seized on 4.6.2021 by the Mines and Geology Department vide order P-5. Till date, even after the lapse of 3½ months, neither any FIR has been lodged, nor any application has been filed under Section 21(4)A of the Mines and Mineral (Development & Regulations) Act, 1957 with regard to

the confiscation of the vehicle before the competent authority nor any proceedings under Rule 101(10) of the State Mining Rules 2012 have been initiated for confiscation of the vehicle despite a clear direction of this Court passed in CRM-M-23190-2020 titled as **M/s K.C. Stone Crushing Company and others vs. State of Haryana and others**, decided on 4.2.2021. The stationary truck is deteriorating due to its disuse and vagaries of weather.

Heard Ld. Counsel for the parties and perused the paper-book.

In **M/s K.C. Stone Crushing Company case**, this Court examined the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 as well as the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012, pronouncements of the National Green Tribunal and Hon'ble the Supreme Court, directed :

“... in future all such cases where a vehicle is seized in terms of MMDR Act or Rules framed thereunder and the penalty imposed is not paid within a reasonable time, either the requisite steps, as per rules, shall be taken for prosecuting the accused or an appropriate application shall be filed for confiscation of the vehicle in terms of Rule 101(1). A period of 3 months can well be said to be a fairly reasonable time so as to enable the authorities concerned to take requisite steps in this direction.”

It was further observed that while considering release of vehicle on ‘superdari’, the Court may choose to impose any such strict condition as deemed fit.

Considering the facts and circumstances of the present case the impugned order dated 25.6.2021 is modified to the extent that the vehicle

be released to the petitioner on furnishing superdginama of Rs.20 lakh with one surety in the like amount subject to the condition that the petitioner would also pay 50% of the compensation/ penalty as contained in the order/ notice of District Mining Officer.

Disposed of accordingly.

16.9.2021
gian

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes
Yes/No