

CRM-M-52623 of 2022

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

CRM-M-52623 of 2022
Date of decision: 15.11.2022

Ali Sher

.....Petitioner

vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sandeep Sharma, Advocate, for the petitioner.
Ms. Gagandeep Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 482 Cr.P.C. for issuance of directions to the learned trial Court to dispose of the sapurdari application bearing No.CRM-474-2022 titled as “Ali Sher v. State of Haryana” pending in the Court of learned Additional Chief Judicial Magistrate, Bhiwani, since 08.07.2022, for release of truck bearing registration No.HR-69-B-5362, expeditiously.

Learned counsel for the petitioner submits that the aforesaid vehicle of the petitioner was intercepted by the Mining Officer, Bhiwani, when it reached near Bhiwani carrying dust (minerals) and the truck was seized for illegal transportation of minerals in compliance of Rules 101, 104 of the State Mines Rules, 2012 and the orders dated 23.04.2019 and 19.02.2020 of the National Green Authority, New Delhi, as well as under Section 21(A)-4 of the Mines and Minerals Development and Regulation Act, 1957 and the same was parked in the custody of Police Station,

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Bhiwani. An application for release of the aforesaid truck on sapurdari to the petitioner was filed on 08.07.2022 (Annexure P-1) in the Court of learned Additional Chief Judicial Magistrate, Bhiwani, which is pending disposal and the same is now fixed for hearing on 05.12.2022. He argues that the petitioner is being deprived of the use of his vehicle, which is affecting his business and therefore, directions may be issued to the learned trial Court for deciding the application in a time-bound manner as from 16.07.2022 onwards the learned Assistant Public Prosecutor for the State has been taking dates for filing report of the Mining Officer and the case has been adjourned seven times for the same purpose.

Notice of motion.

Ms. Gaganpreet Kaur, AAG, Haryana, accepts notice on behalf of the respondents-State.

After hearing the learned counsel for the parties and perusing the record, it is observed that the application for release of the vehicle was filed by the petitioner on 08.07.2022 (Annexure P-1) and vide order dated 08.07.2022, report of SHO was called for 12.07.2022. On 12.07.2022, the matter was adjourned for 13.07.2022. The report filed by the SHO was placed on file on 13.07.2022 and matter was adjourned for 15.07.2022. On 15.07.2022, the matter was adjourned for 16.07.2022 for consideration and from 16.07.2022 onwards matter has been adjourned seven times for awaiting the report from the Mining Officer. Since non-release of the vehicle on sapurdari is affecting the livelihood of the petitioner, which amounts to violation of Article 21 of the Constitution of India, therefore, it is expedient to direct the Court of learned Additional Chief Judicial

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Magistrate, Bhiwani to dispose of the said application dated 08.07.2022 on the next date of hearing i.e. 05.12.2022 and if it is not possible to decide the same on 05.12.2022, the same shall be considered and decided within 10/15 days thereafter, in accordance with law.

Disposed of.

15.11.2022
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No