

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

CRM-M-12586-2021
Decided on:-01.05.2024

Ram KaranPetitioner..

vs.

State of HaryanaRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Brijender Kaushik, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, prayer has been made for seeking modification of order dated 15.01.2021 passed by the Court of Additional Sessions Judge, Ambala, while dealing with revision petition arising out of an order dated 09.11.2020 passed by the learned Sub-Division Judicial Magistrate, Naraingarh, whereby an application for release of vehicle i.e. JCB 3DX 2WD Machine bearing registration No.HR01-AQ-6818 on supardari, was declined.

2. In the present case, application for release of vehicle i.e. JCB 3DX 2WD Machine bearing registration No.HR01-AQ-6818, involved in FIR No.312, dated 12.10.2020, under Section 21(4) (A) and 4(1) of the Mining and Minerals Act, 1957 read with Section 188 of IPC, District Ambala, was filed on behalf of the petitioner before the Sub-Division

Judicial Magistrate, Naraingarh, which came to be declined vide order dated 09.11.2020.

3. Aggrieved thereof, the petitioner filed revision petition in the Court of Additional Sessions Judge, Ambala, which came to be disposed of vide order dated 15.01.2021 while allowing the prayer made by the petitioner for the release of his vehicle on supardari, subject to the following conditions:-

(i) petitioner/revisionist shall deposit an amount of Rs.11,10,000/- along with Rs.15,000/- as fine, with the competent authority, in view of order dated 19.02.2020 of Hon'ble National Green Tribunal.

(ii) Before release of the vehicle on supardari, the SHO concerned shall click the photographs of the vehicle concerned at the expenses of the applicant and would place on record of the case file.

(iii) The applicant/revisionist will not make any alteration/modification in regard to its appearance, colour or chasis and accessories etc.

(iv) The applicant/revisionist will not alienate/dispose of the vehicle in question in any way of part away with the possession till the decision of the present case.

(v) He would furnish proof of his ownership and supardaginama in the sum of Rs.23,00,000/- with one surety in the like amount to the satisfaction of ld. Trial/Duty Magistrate.

(vi) He will produce the vehicle in the Court as and when directed.”

4. The short grievance raised by the learned counsel representing the petitioner is about condition No. (i) whereby, the petitioner has been directed to deposit a sum of Rs.11,10,000/- along with Rs.15,000/- as fine with the competent authority. He submits that the same being onerous,

makes the order dated 15.01.2021, burdensome and unjustified.

5. The prayer made in the present petition has been opposed at the instance of learned State counsel while submitting that considering the nature of offence, the impugned order warrants no interference.

6. I have heard learned counsel for the parties and gone through the paper book, I find substance in the submissions made on behalf of the petitioner.

7. Reliance has been placed upon by the learned counsel for the petitioner, to an order dated 06.10.2023 passed by this Court in **CRM-M-50275-2023**, titled as ***“Happy Kumar vs. State of Haryana and another”***, wherein, under similar circumstances, the owner of the vehicle involved in case under the Mines and Minerals (Development and Regulation) Act, 1957 was directed to furnish supardaginama, rather than depositing the cash amount.

8. Relying upon the same, present petition is disposed of with a slight modification in the order dated 15.01.2021 passed by the revisional Court and the condition (i) herein above shall now be read as under:-

- (i) Petitioner shall furnish proof/title of his ownership supardaginama for a sum of Rs.11,25,000/- with one surety in the like amount to the satisfaction of trial/Duty Magistrate.

8.1 It is made clear that the aforesaid modification shall be in addition to clause (v) reproduced herein above and rest all the conditions imposed vide order dated 15.01.2021 passed by the Additional Sessions Judge, Ambala shall remain the same and in case of any violation thereof, the State shall be at liberty to seek restoration of the vehicle in question.

- 9. Disposed of
- 10. All pending applications stand disposed of.

01.05.2024
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No

(HARKESH MANUJA)
JUDGE