

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.11740 of 2024

Date of decision: 6th March, 2024

Ikran Khan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vishal Khatkar, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 482 Cr.P.C. for quashing/setting aside/modifying the impugned order dated 08.02.2024 (Annexure P-3) passed by learned Judicial Magistrate 1st Class, Ambala under Section 451 Cr.P.C., wherein strict and onerous conditions were imposed by the learned Court while releasing the vehicle bearing registration No.HR-04K-5423 on supurdari in favour of the present petitioner on deposition of ₹ 2 lacs of penalty amount in the form of fixed deposit as well as bonds to the satisfaction of SHO concerned, in case FIR No.75 dated 15.01.2024 under Sections 21(1), 21(4)(A) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 of the IPC registered at Police Station HSENB, District Ambala, Haryana.

2. The counsel for the petitioner contends that notwithstanding the fact of the petitioner being a first-time offender, an FIR had been lodged against him in violation of the Mines and Minerals Rules. Additionally, it has been argued that while releasing his vehicle on supurdari, the Court had unduly imposed stringent condition, mandating a deposit of penalty amount of ₹ 2 lacs in the form of FDR. It has been urged by the learned counsel that the condition imposed by the learned trial Court was against the settled law and undermined the essence of Section 451 of the IPC. The petitioner, in support of his submissions, has placed reliance upon ***'Ikram vs. State of Rajasthan' SLP 4797-4799/2023 d/d 04.05.2023.***

3. Notice of motion.

4. Ms. Trishanjali Sharma, Deputy Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

5. Learned State counsel has submitted that FIR had been rightly registered as offence under the Indian Penal Code i.e. Section 379, had also been committed by the petitioner. She has further submitted that the condition of furnishing of bonds had also been rightly imposed by the trial Court to prevent the petitioner from disposing of the vehicle in question during the pendency of the trial.

6. Learned State counsel has thus asserted that the condition of imposition of bonds to the satisfaction of the SHO concerned was as per the provisions of law.

7. I have heard learned counsel for the parties and perusal the relevant material placed on record.

8. Undoubtedly, the trial Court is empowered to impose conditions under Section 451 of the IPC, however, these conditions must not be excessively burdensome to the extent of practically negating the relief sought by an individual, as in the instant case. The Hon'ble Supreme Court has unequivocally disapproved of such practices in catena of judgments. Thus, this Court finds merit in the submissions made by the learned counsel for the petitioner regarding the onerous condition of fixed deposit in the sum of ₹2.00 lakhs imposed by the trial Court upon the petitioner. Consequently, this condition is hereby set aside.

9. Accordingly, the impugned order dated 08.02.2024 is modified and the vehicle is ordered to be released on supurdari to the petitioner on his furnishing a personal bond to the satisfaction of the trial Court/Duty Magistrate subject to the condition that the petitioner shall furnish an undertaking to the effect that:-

- (i) he will preserve the vehicle in the same condition during the pendency of the trial;
- (ii) he will not sell, transfer, dispose of, alienate or mortgage etc. the vehicle, during pendency of the trial;
- (iii) he will produce the vehicle before the trial Court as and when directed to do so and:

(iv) he will ensure that the vehicle is not involved in any other criminal case.

11. In case of violation of the undertaking by the petitioner, liberty is granted to the prosecution to seek cancellation of the supurdari bond.

12. Petition is accordingly disposed of.

(MANJARI NEHRU KAUL)
JUDGE

March 6, 2024
rps

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