

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M No. 13576-2024
Date of Decision: 18.03.2024

Sandeep Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Hardeep Singh Dhillon, Advocate for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

KIRTI SINGH, J.(ORAL)

1. Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure, 1973 is for quashing/setting aside the condition of deposit of Rs. 2 lacs of penalty amount in the form of fixed deposit imposed by the mining department vide impugned order dated 12.02.2024 (Annexure P-3) passed by the learned Judicial Magistrate Ist Class, Ambala in case FIR No. 51 dated 22.11.2023, under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 of IPC, registered at Police Station HSEnB, Ambala.

2. Learned counsel for the petitioner submits that the condition to deposit of Rs. 2 lacs penalty in the form of fixed deposit has been wrongly imposed by the learned Trial Court. He further submits that the vehicle in question has been falsely implicated in this case of illegal mining by the mining officer and the vehicle impounded by the mining officer was only parked and was not being used in any activity. He further places reliance on the judgment rendered in **CRM-M-9846-2024** decided on 26.02.2024 passed

by this Court (Annexure P-4).

3. Notice of motion.

4. On the asking of the Court, Mr. Chetan Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of respondent-State and places reliance on the judgment in *Ikran Khan versus State of Haryana* in **CRM-M-11740-2024**, decided on 06.03.2024 passed by this Court.

5. I have considered the submissions made by learned counsel for the parties.

6. In view of the submissions made by the counsel for the parties, this Court finds merits in the submissions made by the learned counsel for the petitioner regarding the onerous condition of fixed deposit in the sum of Rs.2.0 laksh imposed by the trial Court upon the petitioner. Consequently, this condition is hereby set aside.

7. Accordingly, the impugned order dated 12.02.2024 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.

8. In case of violation of the undertaking by the petitioner, liberty is granted to the prosecution to seek cancellation of the *supurdari* bond.
9. Petition is accordingly disposed of.

18.03.2024(KIRTI SINGH)
Rajeev (rvs)JUDGE

Whether speaking/reasonedYes/No
Whether reportableYes/No