



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

CRM-M-43904-2024

Date of decision: 05.09.2024

Ravinder Singh

...Petitioner

Versus

State of Haryana.

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Shantanu Bansal, Advocate for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C seeking modification of onerous conditions imposed by the Courts concerned in the orders dated 15.06.2024 (Annexure P-6) and 12.07.2024 (Annexure P-9) whereby direction was given to release tractor trolley No.HR-85-F-3948 on superdari to the petitioner.

2. The counsel for the petitioner submits that the aforesaid vehicle belonging to the petitioner was taken into custody, as the same was alleged to be involved in illegal mining. That FIR No.1575 dated 12.06.2024 under Section 379 IPC and Section 21 of Mines and Minerals Act was registered in Police Station HSENB, Ambala and proceedings were also separately initiated under Section 207, 190 (2), 192 (a), 194 (1A) Motor Vehicles Act against the petitioner. The petitioner moved separate applications for release of his vehicle on superdari in both the said proceedings. In a case having FIR No.1575, the Court of Judicial Magistrate Ist Class passed order dated 15.06.2024 (Annexure P-6) in favour of the petitioner subject to furnishing of superdignama in sum of Rs.35 lacs with one surety in like amount. The Court of CJM, Ambala passed separate order dated 12.07.2024 (Annexure P-9) for release of vehicle on superdari subject to furnishing superdignama in sum of Rs.8 lacs with one surety in like amount, in proceedings under



Motor Vehicles Act. The counsel for the petitioner submits that the value of the tractor trolley is just Rs.5-7 lacs and that the aforesaid conditions imposed by the Courts concerned are onerous and being aggrieved, the petitioner has filed the present petition.

3. The present petition is contested by the State counsel who submits that the conditions imposed by the Courts concerned are in consonance with the statutory provisions of law and there is no illegality in the impugned orders.

4. After hearing, the counsel for the parties, this Court is of the view that the aforesaid conditions imposed by the Courts concerned are harsh and oppressive and virtually amounts denial of the relief. Impositions of such conditions has been disapproved by the Hon'ble Supreme Court in *Sandeep Jain Vs. National Capital Territory of Delhi (2002) 2 SCC 66*.

5. Accordingly, the impugned orders are hereby modified and it is ordered that instead of furnishing surety in sum of Rs.35 lacs and Rs.8 lacs respectively, the petitioner shall furnish only one superdignama i.e. superdari bond with one solvent surety in sum of Rs.5 lacs, in the Court of CJM, Ambala. On doing so, the said Court will issue release warrants of the aforesaid vehicle on superdari in favour of the petitioner. No separate superdignama is required to be furnished by the petitioner seeking release of aforesaid vehicle in case having FIR No.1575 dated 12.06.2024 under Section 379 IPC and Section 21 of Mines and Minerals Act, Police Station HSENB, Ambala. All the other conditions imposed by the Courts concerned shall remain un-altered.

6. The present petition is disposed of in aforesaid terms.

05.09.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No