

CRM-1026-2026

CNR No. HRYN03006766-2026

FIR No. Unknown.

Under Sections 98(1) & 105(5) of Mining Act.

P.S. Jathlana.

Present: Ms. Vandana, APP for State.
Sh. Satish Sangwan, Advocate for applicant, Isran son of Mohd. Umar.

ORDER

Reply to the Superdari application and application under Section 21 (4A) of the Mines and Mineral (Development and Regulation) Act, 1957 filed. Reply to the application filed. Arguments were heard on both the applications i.e. application of Mining Department, under Section 21 (4A) of the Mines and Mineral (Development and Regulation) Act, 1957 for confiscation of seized vehicle i.e. Tractor Trolley bearing Registration No. HR92B-2658 along with Bajri and application of applicant for releasing his vehicle along with minerals, on supardari. Reports and replies have been perused. It is an admitted fact that the aforesaid vehicle and minerals were seized by the official of Mining Department.

2. Learned counsel for the applicant argued that no FIR has been registered so far, no order for confiscation of the vehicle has been made. He also submitted that no penalty can be imposed upon the accused till he is held guilty by the court. He requested release of the vehicle on supardari. Relied upon **M/s. KC Stone Crushing Co. & Ors. Vs. State of Haryana & Ors.**, CRM-M-23190-2020 decided on 4.2.2021, “**Avi Garg. Vs. State of Punjab 2021(1)Law Herald442(P&H)**”, and **Sandeep Singh Vs. State of Punjab 2021(1)La w Herald 207(P&H)**.

3. On the other hand, learned APP for State argued that if the vehicle and minerals are released on superdari, then the applicant may be directed to deposit penalty as per the law laid down by the Hon’ble High Court in **M/s. KC Stone Crushing Co. & Ors. Vs. State of Haryana &**

Ors., CRM-M-23190-2020 decided on 4.2.2021, wherein it is held that “The Court may direct the applicant to deposit the amount equal to penalty imposed by the authorities concerned while considering the release of vehicle along minerals on superdari”. The applicant has not availed proper remedy by filing appeal before the appropriate authority under **Rule 109 of Haryana Mine Mineral Concession Stocking and Transportation of Minerals and Prevention of Illegal Mining Rule, 2012** so he is not entitled to release of vehicle and minerals without depositing penalty. He relied on “**Bajri Lease Loi Holders Welfare Society Through its President Vs The State of Rajasthan & ors. 2021(13)SCALE413(SCC)**, **Rahul PU Vs. Geologist, Department of Mining and Geology 2022(7)KHC489(Kerala)** and ‘**Rohtash Vs. State of Haryana and Anr. CRM-M-7170-2023(P&H)**’.

4. After listening to the arguments, the Court finds force in the arguments of the applicant regarding maintainability of the application. The Court also finds force in the arguments of learned APP for State on behalf of Mining Department regarding deposit of Penalty. In light of “**Irfan Vs. State of Haryana and Anr. In CRM-19322 of 2020**”, the application filed by the Mining Officer for confiscation of the vehicle is not maintainable and is liable to be dismissed because the applicant is contesting the challan. Admittedly, FIR has not been lodged till date and it is not the case of Mining Department that the alleged vehicle is involved in such offence for the 3rd times or more. Hence, the Court is convinced with the contention of learned counsel for the applicant that no penalty may be imposed upon the applicant till the conclusion of trial. Keeping in view the facts and circumstances of the case, the vehicle without minerals are ordered to be released on superdari in favour of the applicant on furnishing superdaginama in the sum of Rs.20,00,000/- with one surety in the like amount to the satisfaction of SHO concerned, subject to following conditions as per rules, against proper receipt and identification:

(i) That the applicant shall not change the colour and

description of the vehicle in question.

(ii) That the applicant shall not alienate the vehicle in question without prior permission of the Court.

(iii) That the applicant shall produce the vehicle in question in the Court as and when required.

IO/SHO concerned is directed to take the photographs of the vehicle from all sides (if not already taken) and to prepare Panchnama before handing over the possession to the applicant. Papers be consigned to record room after due compliance.

Pronounced in open Court:

Dated: 23.07.2026.

Dharmender Singh, JW.

(Diksha Dass Ranga)

Addl. Chief Judicial Magistrate

Yamuna Nagar at Jagadhri.

(UID No.HR0311)