

HRNR010029282026



Umersaid and another Vs. State of Haryana and others CRM-135-2026

Superdari Application

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Present: Sh. Yogesh Khatana, Advocate for the applicants
Sh. Anuj Malik, APP for the State

ORDER:

1. An application has been filed by the applicants for superdari under Section 497 of BNSS stating therein that vehicle i.e. truck bearing registration no. HR-38-AK-1717 had been seized on 30.03.2026 and taken into possession by the Mining Officer, Department of Mines and Geology, Narnaul, District Mahendergarh.
2. That an appeal was filed by the applicants before the Director General Department of Mines and Geology, Panchkula for seeking the release of aforesaid vehicle and the same was dismissed vide order dated 19.05.2026. That the applicants undertakes that they will abide by all the terms and conditions, if any imposed by the Hon'ble court in respect of releasing the aforesaid vehicle on superdari. It is prayed that the said vehicle may be released on superdari and direction be issued to the respondents i.e. Department of mines and Geology, Narnaul.

(Harshali Chowdhary)
Additional Sessions Judge,
Narnaul UID No.HR-0200 30.07.2026

3. Learned counsel for applicants has submitted that the vehicle in question was seized by the mining department on the basis of false case and the same is lying idle from the date of seizure i.e. 30.03.2026. That the condition of the impugned vehicle is being deteriorated day by day. It has been further argued that the applicants are ready to deposit the surety for getting the said vehicle released on superdari. It has been further argued that it is the matter of trial where it has to be proved that whether the vehicle in question was involved in the offence or not. Therefore the application be allowed.
4. On the other hand, learned APP for the State forcefully argued that the impugned vehicle has been caught for indulging in illegal mining activity and superdari application has rightly been dismissed by the Director General Department of Mines and Geology, Panchkula, Haryana. Therefore, the application be dismissed.
5. I have heard learned counsel for the applicants and learned APP for the State and have gone through the record carefully.
6. The question as to whether the vehicle was actually involved in illegal mining cannot be decided at this stage. Admittedly, vehicle in question is lying unattended in the custody of respondent since 30.03.2026. Hon'ble Apex Court in *Sunderbhai Ambalal Desai Vs.*

State of Gujarat 2003 (1) RCR (Criminal) 380 has passed specific direction that seized vehicles should not be kept at the police station for long and power under Section 451 Cr.P.C should be exercised expeditiously and the vehicle should be given on supardari by taking adequate security.

7. It is trite and well recognized that an order of confiscation of vehicle under MMDR Act or other similar statutes cannot be passed pending trial. Confiscation is considered a final punishment and passing such an order before the conclusion of the trial would prejudice the rights of the accused and undermine the principles of natural justice. In this regard, it would be apposite to refer to the judgment of our Hon'ble Apex Court in *State of M.P. Vs Madhukar Rao 2008 (1) JJ 427*. It was categorically held therein that any order of confiscation of property or vehicles should come after the conclusion of trial. Pre-mature confiscation before the trial's conclusion would violate the principle of fairness in legal proceedings. The rationale being that a pre-mature confiscation order assumes guilt before it is proven, which could be over turned if the accused is ultimately found not guilty. In numerous other judgments, various High Courts have gone on to hold that seizing authorities or Trial Court must wait for the outcome of the trial

before deciding on confiscation which entails a permanent penal consequence.

8. No useful purpose would be served by keeping the vehicle in question idle as the same would lead only to its deterioration. In this regard, reliance can be placed upon judgments of our Hon'ble High Court in *Gajjan Singh Vs. State of Punjab* decided on 14.01.2014 passed in CRM No.M-38229 of 2013 and *Vikram Bajaj Vs. State of Haryana & Ors.* decided on 13.08.2020 passed in CRM-M-7901-2020 (O&M).

9. As sequel of the aforesaid discussion, the present application is allowed. The aforesaid vehicle bearing registration No. HR-38-AK-1717 is ordered to be released on supardari in favour of the applicants on furnishing supardagina in the sum of Rs.55,00,000/- to the satisfaction of SHO concerned, subject to the following conditions:

- i. That the applicants shall preserve the vehicle in question in the same condition and will not dispose of the same without the permission of the Court and produce the same as and when directed.
- ii. That the applicants shall not use or allow any person to use the vehicle in question for commission of any offence including offence under the Mines & Minerals (Regulation of Development) Act, 1957.

10. File be consigned to record room after due compliance.

11. Copy of order be accordingly sent.

Pronounced in open Court
30.07.2026

Vandna Yadav SG-I

(Harshali Chowdhary)
Additional Sessions Judge,
Narnaul
(UID No. HR-0200)

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Reports of Mining Officer and SHO concerned received.

Arguments heard. Order pronounced. Vide my separate order of even date, the present application is allowed. File be consigned to record room after due compliance.

Pronounced in open Court
30.07.2026

Vandna Yadav SG-I

(Harshali Chowdhary)
Additional Sessions Judge,
Narnaul.
UID No. HR-0200