

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

**CRM No.M-25946 of 2016 (O&M)
Date of Decision: February 08, 2017**

Imran

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Arjun Atri, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for setting aside the order dated 10.05.2016 passed by learned JMIC, Mewat, vide which the application for releasing 15 Camels on sapurdari moved by the petitioner, has been dismissed and for setting the judgment dated 30.05.2016 passed by learned Addl. Sessions Judge, Mewat, vide which the revision filed by the petitioner was also dismissed etc.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that FIR has been registered in this case

against accused persons with the allegations that they have committed cruelty to the animals as 15 Camels were tied up in one truck. Learned Magistrate vide impugned order dated 10.05.2016, after considering these facts, dismissed the application of the petitioner and it is ordered that these Camels be kept in proper condition and are to be provided food in the Gaushala where they are to be kept by the State. A revision was filed by the present petitioner before Court of Session and learned Addl. Sessions Judge, Mewat, vide judgment dated 30.05.2016, upheld the order dated 10.05.2016 by citing the law laid down by the Hon'ble Supreme Court in ***Criminal Appeal No.283-287 of 2002 titled as State of U.P. vs. Mustakeen and others, decided on 22.02.2002***, in which it is as under:-

“Leave granted.

The state of Uttar Pradesh is in appeal against the directions of the Court directing release of animals in favour of the owner. It is alleged that while those animals were transported for the purpose of being slaughtered an FIR was registered for alleged violation of the provisions of Prevention of Cruelty to Animals Act, 1960, and the specific allegations in the FIR was that the animals were transported for being slaughtered, and the animals were tied very tightly to each other. The criminal case is still pending. On an appeal for getting the custody of the animals was filed, the impugned order has been passed. We are shocked as to how such an order could be passed by the learned Judge of the High Court in view of the very allegations and in view of the charges which the accused may face in the criminal trial. We, therefore, set aside the impugned order and direct that the animals be kept in the Goshala and the state Government undertakes to take the entire responsibility of the preservations of these animals so long as the matter is under trial.

The appeals stands disposed of accordingly.”

The facts of the above-case are similar to the facts of the present case and therefore, the above-cited judgment fully applies to the case in hand.

In view of the above discussion, I find that no illegality has been committed by the Courts below while dismissing the application for giving Camels to the present petitioner on sapurdari. The fact that in one truck 15 Camels were being transported and they were tied in such a way, amount to cruelty to the animals itself.

Therefore, finding no merit in the present petition, the same is dismissed.

February 08, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No