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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41061-2017 [O&M]

Date of Decision:- 13.11.2017

Irfan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Gopal Soni, Advocate,
for the petitioner .

Mr. Munish Dev, AAG, Haryana
and Mr. R.S.Nara, Advocate,
for the complainant

SHEKHER DHAWAN, J.

Present petition under Section 482 of Code of Criminal Procedure [Cr.P.C.] is setting aside order dated 20.9.2017 (Annexure P/2) passed by learned Additional Chief Judicial Magistrate, Bhiwani whereby application for release of camel on *sapurdari*, seized in case, bearing FIR No. 552 dated 15.09.2017 registered under Sections 428 and 429 IPC and Section 11 of the Prevention of Cruelty to Animals Act, 1960 (for short, "**the Act**") at Police Sation Sadar, Bhiwani, was dismissed and also for setting aside order dated 13.10.2017 (Annexure P/4) passed by learned Additiuonal Sessions Judge, Bhiwani whereby revision petition was dismissed.

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2 Learned counsel for the petitioner submitted that the petitioner had purchased the camel from a cattle fair from Navalgarh in the State of Rajasthan and the copy of the receipt is at Annexure P/5. No offence is made out as per the FIR as the petitioner was found with his camel cart and had not used any transport vehicle to traffic camels from one place to another place. The recovered camel was not used for slaughter purpose but to be used for transporting purpose which is the source of his survival. No useful purpose would be served by detaining the camel in custody and the same be released on *sapurdari* while setting aside the impugned orders. The petitioner is ready to furnish appropriate surety bonds to undertake all these terms before learned trial Judge.

3. Learned State counsel assisted by learned counsel for the complainant opposed the present application on the ground that no case is made out for release of camel on *sapurdari*. 13 persons came from Bhiwani side with 6 camels tied to 6 carts and 13 camels tied to each other behind other carts. They were stopped and the persons sitting on carts were asked to reveal their names. As such FIR was registered. More so, there is no provision for release of animal to the petitioner as per provisions of the Act and the Courts below have rightly dismissed the application and present petition be dismissed upholding the impugned orders.

4. Having considered the submissions made by learned counsel for the parties and the fact that even if the averments made in this case are taken to be correct at its face value, no purpose would be served by detaining the camel in custody. The petitioner is ready to furnish bonds to

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the satisfaction of learned trial Magistrate that the animal shall not be used for the purpose of slaughtering and would keep the animal in good health. Identical matter was before co-ordinate Bench of this Court in in **Anil and others Vs. State of Haryana and another, CRM-M-13593-2012,** decided on **04.06.2012**, where cattle was ordered to be released on *sapurdari* on furnishing appropriate surety and the local police was directed to make periodic on the spot inspections of health and safety of the cattle.

5. In view of the above, the present petition is accepted and the impugned orders passed by the Courts below are set-aside and the camel/camel cart seized in this case is ordered to be released to the petitioner on *sapurdari* on furnishing adequate surety bonds to the satisfaction of the trial Court. Before the cattle is released on *sapurdari*, the camel will be branded with the mark of identity so that their well-being can be monitored.

6. Present petition stands disposed of in the above terms.

13.11.2017
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(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned
Reportable

Yes/No
Yes/No