

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

Decided on: 30.05.2018

1. CRM-M-12693-2018

Ishtaq **.... Petitioner**
Versus

State of Haryana **.... Respondent**

2. CRM-M-17702-2018

State of Haryana **.... Petitioner**
Versus

Ishtaq **.... Respondents**

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Gautam Dutt, Advocate
for the petitioner in CRM-M-12693-2018 &
for the respondent in CRM-M-17702-2018.

Mr. Gaurav Bansal, AAG, Haryana,
for the petitioner in CRM-M-17702-2018 &
for the respondent in CRM-M-12693-2018.

H.S. MADAAN, J (ORAL)

Initially, Judicial Magistrate 1st Class, Hathin had dismissed an application for release of 534 skins on superdari to the petitioner-Ishtaq for the reason that the skins would result in causing infection to the human beings as well as the animals.

That order of Judicial Magistrate was challenged by way of revision petition before Additional Sessions Judge, Palwal, who vide order dated 12.03.2018, disposed of the criminal revision petition directing that 534 skins be released on superdari, subject to condition that revisionist will show the original bill to the learned Judicial Magistrate, Hathin as per provisions of Section 451 Cr.P.C. The prosecution was directed to take photographs of the skins and put up the same with the challan.

The revisionist was directed to give a security amount of Rs.7 lakhs before the trial Court.

The petitioner approached the Judicial Magistrate accordingly. But said Magistrate vide order dated 15.05.2018 dismissed the application for accepting the superdari bond and to issue the release order for the reason that original bill had not been produced.

Learned Additional Sessions Judge, Palwal, vide order dated 20.03.2018 dismissed the revision filed against that order.

The petitioner has challenged those orders passed by the Courts below. The State is also feeling aggrieved by those orders.

After hearing learned counsel for the petitioner and learned State counsel, it is directed that the skins in question be released on superdari to petitioner for the time being on his furnishing necessary bonds as directed by Additional Sessions Judge, Palwal on the condition that he would not dispose of those skins, would not change their condition till further orders and would return the same to the investigating officer, if the carbon copy of the bill produced by him before the police is not found to be genuine. Let photographs of the skins be also taken by the Investigating Officer as directed by Additional Sessions Judge, Palwal.

The condition so imposed shall remain in operative till verification of genuineness of the bill and if the bill is found to be genuine, the petitioner may approach the trial Court seeking necessary permission for disposal of the skins, if found to be subject to natural decay with passage of time and the trial Court may pass appropriate order thereon.

With such observations, both the petitions stands disposed of.

A photocopy of this order be placed on the file of other connected case.

(H.S. MADAAAN)
JUDGE

30.05.2018
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No