



CWP-22142-2024

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

(107)

CWP-22142-2024

Date of decision:- 12.11.2025

Dhermender Kumar**... Petitioner****Versus****State of Haryana and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Ashish Gupta, Advocate and
Mr. Ishnoor Singh, Advocate
for the petitioner.

Mr. Ravish Kaushik, Additional Advocate General, Haryana

SUVIR SEHGAL, J. (ORAL)

1. This petition has been filed, *inter alia*, for issuance of a writ, in the nature of certiorari, for setting aside orders dated 11.10.2023 and 30.05.2024, Annexures P-1 and P-3, respectively, passed by the authorities under the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (for short “the Act of 2015”).
2. Counsel for the petitioner states that petitioner is the owner of a *Tata Ace Tempo Chhota Hathi* bearing Registration No. DL-1LAH-2884, which was seized while it was ferrying one cow and a calf on the allegation that they were being taken to a slaughter house. Counsel submits that an FIR bearing No.382 dated 17.09.2023 has been registered under Sections 5, 13 (2) and 17 of the Act of 2015 at Police Station Tauru, District Nuh and the driver of the

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vehicle, Kanhiya Lal, was apprehended. Counsel states that on an application moved by the police authorities, petitioner was summoned and after hearing, Sub Divisional Magistrate, Tauru, District Nuh, passed impugned order, Annexure P-1, directed the seizure and ordered auction of the vehicle. Appeal filed by petitioner was rejected by order, Annexure P-3. Counsel states that the petitioner is not involved in the offence of cow slaughter and he has been falsely implicated. By making a reference to Section 16 (1) of the Act of 2015, counsel contends that the vehicle cannot be confiscated by an official below the rank of a Sub Inspector, but impugned action has been taken by a Head Constable. It is his argument that idle vehicle parked unattended in the premises of the police station would not serve any purpose and it deserves to be released to him. Reference has been made by him to the judgments passed by this Court in **Rajid Khan Versus State of Haryana and others, Law Finder Doc Id # 1956612** and **Sahid Ahmad Versus State of Haryana, Law Finder Doc Id # 1681043**

3. *Per Contra*, State counsel has opposed the petition and has made a reference to the reply filed on behalf of respondents No.1 and 4. It has been submitted that on the basis of information, the offending vehicle was intercepted and two cows were found tied callously. He urges that neither petitioner nor the driver of the vehicle could produce any permission letter or permit from the competent authority to show that he was authorized to transport the cattle.

4. I have heard counsel for the parties and given a thoughtful consideration to the arguments addressed by them.



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5. Section 16 (1) of the Act of 2015 provides as under:-

16. (1) Any police officer not below the rank of Sub Inspector or any person authorized in this behalf by the Government, with a view to secure compliance with the provisions of this Act or for satisfying himself that the provisions of this Act have been complied, may-

(a) enter, stop and search any vehicle used or intended to be used for the export of cows;

(b) seize cow in respect of which he suspects that any provision of this Act has been, is being or is about to be contravened, alongwith the vehicle in which such cow is found, and thereafter take all measures necessary for securing the production of the cow so seized, in a court and for the safe custody pending such production;

(c) enter and search any premises used or intended to be used for the slaughter of cow and seize any documents regarding activities related to slaughter and export of cow;"

6. It is evident from the above reproduced provision that power to seize the vehicle or cattle has been given to a Sub Inspector or any person authorized in this behalf by the government. From the stand taken by the respondents in the written statement, it is clear that the vehicle in the present case has been intercepted and seized by a Head Constable. The reasoning given that in case the action had not been taken by the officer at the spot, the accused would have fled cannot be a ground to breach the mandatory statutory provision. This Court dealt with a similar situation in **Sahid Ahmad's case (supra)**. It is, therefore, apparent that as the statutory provision has been contravened, impugned orders cannot be sustained. Petitioner, who admittedly is the registered owner of the vehicle, is not involved in the offence nor any allegation has been levelled against him, is entitled to get the vehicle released.

7. A Division Bench of this Court in **Gurbinder Singh @ Shinder Versus State of Punjab, 2016 (4) RCR (Criminal) 492** has observed that there

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is no logic in denying interim custody of a vehicle seized by the police as neither the State nor the owner of the vehicle is going to be benefited. Furthermore, if the vehicle remains parked unattended at a police station, it can become unfit for driving over a period of time.

8. For the reasons recorded above, writ petition is allowed. Impugned orders, Annexures P-1 and P-3, are set aside. Vehicle is ordered to be released on sapurdari to its registered owner, subject to furnishing supurdari bond to the satisfaction of Court/SDM concerned, besides complying with other requirements, including furnishing of an undertaking to the effect that he will produce the vehicle as and when required by the Court or the authorities.

(SUVIR SEHGAL)
JUDGE

12.11.2025
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No