

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

CRM-M-38594 of 2017.

Decided on:-24.10.2017.

Iqbal and another

.....Petitioners.

Versus

State of Haryana.

.....Respondent.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Satish Chaudhary, Advocate
for the petitioners.

Mr. Manish Bansal, DAG, Haryana
for the respondent-State.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners, namely, Iqbal and Khurshid in FIR No.199 dated 29.08.2017 under Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (for short, the Act) registered at Police Station Pinangwa, District Mewat.

The allegations against the petitioners are that a secret informer had informed the police that the petitioners have brought a cow from somewhere and have kept the same in a field towards canal. The intention of the accused is to take the cow to the State of Rajasthan from the territory of the State of Haryana and if a raid is conducted, the culprits can be apprehended along with cow.

Acting on the said secret information, a raiding party visited the spot and raided the jungle of village Sikrawa towards canal, where three persons were seen standing near a cow. One person was having a knife, the second was having an axe, whereas the third person was holding a rope. On seeing the police party, all the three culprits ran away from the spot towards the opposite direction leaving behind the cow, knife and Danda on the spot. The police party made an attempt to nab them and therefore chased them. But taking the advantage of maize crop standing on the spot, the culprits succeeded in running away. However, the secret informer had identified the accused persons.

Learned counsel for the petitioners has argued that no offence is made out as no slaughtering of any cow has been done or noticed by any person. The allegation that the intention of the accused was to take the cow to the State of Rajasthan is based on presumption. Keeping a cow is no offence under the Act. The petitioners have been named in the FIR on account of some party-faction in the village. There is no proof that the petitioners would have slaughtered the cow.

On the other hand, learned State counsel has contended that apart from the cow, recovery of an iron axe, a knife and a Danda has also been effected and the cow was tied with a rope, which is sufficient to establish that the petitioners-accused intended to slaughter the cow. The secret informer had identified the accused and when the police tried to apprehend the accused, they fled away from the spot. Learned State counsel has shown the

photographs of the cow so tied with a rope and lying in the jungle, a pointed spot.

I have heard learned counsel for the parties.

The plea of the petitioners that they have falsely been implicated in the case on the basis of some party-faction in the village, cannot be accepted as the secret informer has identified the petitioners-accused. The contention of learned counsel for the petitioners that mere possession of a cow cannot construe an offence under the Act has no force particularly when the petitioners were found in possession of an iron axe, a knife and a Danda. This Court has an occasion to see the photographs so produced by learned State counsel and on perusing the same, it cannot be said that the accused had no intention to slaughter the cow.

Therefore, this Court finds that the petitioners do not deserve the concession of anticipatory bail and the present petition, being devoid of any merit, is dismissed.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

October 24, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No