

Sr. No.209

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-9921 of 2017 (O&M)

Date of Decision:03.04.2017

Mustakeem

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. C.S.Bakhshi, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

The instant petition has been preferred under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.102 dated 28.02.2017, under Section 13 of Haryana Gauvash Sanrakshan and Gausamvardhan Act, 2015 read with Section 120-B IPC, registered at Police Station Sector-55, Faridabad, Haryana.

Counsel would vehemently argue that the petitioner was not present at the spot and as such had not been arrested in spite of the raiding party having been constituted. Further argued that for offence to be made out under Section 13 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 there has to be a recovery of the slaughtered cow and which was not the case of the prosecution.

Having heard counsel for the parties at length, this Court is not inclined to extend in favour of the petitioner the concession of pre-arrest bail.

As per prosecution version, the raiding party was constituted on

the basis of secret information and in which the name of the present petitioner prominently figures. That apart, the police party having reached the house of One Ameen, 7-8 persons were allegedly noticed slaughtering the cow. Only one person was arrested on the spot, namely, Hakam and who in turn has also specifically named the present petitioner. The alleged recovery effected on the spot was of 50 Kgs of cow meat and which has been so certified under a report of the Veterinary Surgeon. That apart, alleged recovery is the skin of cow as also and one *daah* and one alive cow whose mouth and legs were tied.

State counsel during the course of arguments has apprised the Court that petitioner is a habitual offender as he has been named as an accused in three other FIRs for similar offence.

In view of the above, prayer made in the present petition is declined.

Petition dismissed.

03.04.2017

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No