

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19482-2018

Date of decision: - 10.05.2018

Javed

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Arjun Atri, Advocate,
for the petitioner.

Mr. Vikas Malik, DAG, Haryana
for the respondent-State.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.254 dated 13.04.2018, under Sections 307, 332, 353, 186 IPC and under Section 13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 25 of the Arms Act, registered at Police Station Palwal, District Palwal.

2. It is contended by learned counsel for the petitioner that neither the petitioner was apprehended at the spot; nor any recovery is to be effected from him and he is ready to join the investigation.

3. On the other hand, learned State counsel has opposed the bail application and submitted that the petitioner has actively participated in the crime while smuggling the skins of 125 cows in a pick up vehicle driven by co-accused Waris. It is also submitted that a gun shot was also fired at the police at the time of occurrence and the pistol is also to be recovered from the petitioner.

4. Heard learned counsel for the parties and perused the paper-book.

5. Keeping in view the fact that the secret informer has named the petitioner along with other two co-accused, namely, Vacky alias Vikram and Waris (who was apprehended at the spot), but the petitioner along with Vacky alias Vikram succeeded in running away from the spot and the allegations against the petitioner and other co-accused are very serious in nature as they were carrying the skins of 125 cow illegally slaughtered.

6. Moreover, law is well settled that the order of pre-arrest bail cannot be allowed in a routine manner and to circumvent normal procedure of arrest, recovery of case property from the accused and investigation by the police. The Court has also to see that the investigation is in the province of the police and an order of anticipatory bail should not operate as an in-road into the statutory powers of the police, in exercising the judicial discretion in granting the anticipatory bail in such like cases.

7. Therefore, in view of the above-said facts and taking into consideration the gravity of the offences and its ill effect in society, the

petitioner is not entitled to anticipatory bail and his custodial interrogation is necessary, in order to ascertain his role and for bringing the true facts on record. Thus, this Court does not find any merit in the present petition and the same is hereby dismissed.

8. The above observations may not be construed as an expression of opinion on merits of the case.

May 10, 2018
naresh.k

(MAHABIR SINGH SINDHU)
JUDGE

Whether reportable?	Yes
Whether reasoned/speaking?	Yes