

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CRM-M-43119-2018

Date of Decision:12.10.2018

Wakeel

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Ms. Rosi, Advocate,
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.146 dated 24.07.2018 under Sections 3/13(1), 8/13(3), 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and 120-B IPC, registered at Police Station Pinangwa, District Nuh.

The allegation against the petitioner is that a secret information was received that petitioner is doing the business of cow meat and cow skins of fresh slaughtered cows and cow meat and after filling some fresh slaughtered cow skins into Eicher Canter No.HR73-A-5142, he will go to sell it to the village Rithat. With the help of secret informer and fellow officials, the police-party blockaded the way of T-point Shikrawa. After 15-20 minutes, a vehicle was seen coming from Khawjilika side to the side where the patrolling party was present. ASI, HC Jai Singh indicated

through his torch to the driver of the vehicle, so as to stop the car. The

driver of the vehicle suddenly on seeing the police-party before him, left the car 150 meters before the blockade. One person from the driver side and another person from the conductor side jumped out and started running towards the standing acacia trees and populated area. ASI with the help of other fellow officials tried to apprehend them, but by taking advantage of the darkness, the accused succeeded in running away. The secret informer informed that the person running from the driver side was Tahir son of Habbi, whereas the person running from the conductor side was Wakki @ Wakeel son of Hajibabu (petitioner). When the body of the vehicle was checked, 274 cow skins were found in it. Out of it, 158 skins were big, whereas 78 skins were small in size, in which six fresh slaughtered skins were found, in which blood was leaking and had meat clots on it. The recovered Eicher Canter No.HR73-A-5142 and cow skins were taken into custody vide recovery memo.

Learned counsel for the petitioner has argued that the petitioner has falsely been implicated in this case and apart from that learned Sessions Judge vide order dated 01.08.2018 had initially admitted the petitioner on bail on the plea that the petitioner was not apprehended on the spot and he was identified by secret informer while he was fleeing away. No recovery is to be effected from the petitioner and thus, custodial interrogation is not required. However, vide order dated 13.08.2018, the concession of interim relief has been declined on the ground that the petitioner did not join the investigation. The petitioner could not join the investigation on account of his illness, but simply because the name of the disease was not disclosed to learned Sessions Judge, is no ground to decline bail to petitioner.

On the other hand, learned counsel for the petitioner has argued

that there is no illegality in the order passed by learned Sessions Judge. Though initially vide order dated 01.08.2018, learned Sessions Judge had granted interim bail, but the petitioner did not join the investigation. 274 cow skins were recovered from the vehicle, in which the petitioner was travelling. But noticing the police, the petitioner succeeded to run away along with the co-accused i.e. driver of the canter. Even otherwise, while the case of the petitioner for anticipatory bail was pending consideration before the learned Sessions Judge, the petitioner committed another similar offence for which FIR No.171 dated 04.08.2018 under Sections 3/13(1), 8/13(3), 7 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 under Section 120-B IPC has been registered against him. In the subsequent case also, 238 cow skins have been recovered.

I have heard learned counsel for the parties.

This Court finds that the learned Sessions Judge has already shown his magnanimity and has granted interim bail to the petitioner. Petitioner, however, was not inclined to join the investigation and rather took a lame excuse that he was ill on the day when he was required to join the investigation. In the absence of any details of such ailment, coupled with the fact that he was found involved in another case of similar nature, wherein 238 cow skins were recovered, this Court finds that the relief of concession of anticipatory bail cannot be granted.

Dismissed.

October 12, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No