

**208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.5690 of 2019 (O&M)
Date of decision : 19.03.2019**

Mubin

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Rosi, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.31 dated 12.01.2019 registered under Sections 3/13(1), 8/13(3) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 at Police Station Nuh, District Nuh.

On 14.02.2019 the following order was passed :-

“Counsel for the petitioner has argued that apart from the merits of the case the fact is that even till date it has not been verified that the meat which was seized was actually cow beef.

Learned DAG on instructions from ASI Kamal Singh has accepted this and states that the seized meat has been sent to the Special Lab at Faridabad.

Counsel for the petitioner states that atleast till the report is received the petitioner should not be arrested and even if it is beef then she may be allowed to argue the case on merits. I find this to be a fair request.

Adjourned to 19.03.2019. In the meantime arrest of the petitioner shall remain stayed.”

Today report has been received from Special Lab at Faridabad. It has been identified that the meat belongs to cow/oxen species.

Counsel for the petitioner has argued the very fact that the petitioner was able to evade a raiding party merely shows that there is some doubt about the identity.

Learned State counsel on instructions from HC Vikrant however argues that once it was established that the slotting was being carried out in the house of the petitioner he can not claim false identify.

In my opinion, this argument can neither be accepted nor rejected at this stage but in the totality of circumstances, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner. Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the investigating officer on 26.03.2019 and on any other date as and when his presence is required.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

19.03.2019
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No