

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-19884 OF 2020 (O&M)
Date of decision : July 22, 2020

Soyab

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Munfaid Khan, Advocate, for the petitioner
Mr. Baljinder Virk, DAG Haryana for the State

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Soyab has sought this first anticipatory bail in case FIR No. 110 dated 12.3.2020, under Section 5/13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Sections 11,59,60 of Prevention of Cruelty to Animals Act, 1960, Police Station Ferozepur Jhirka, District Nuh.

The allegations levelled by learned State counsel on getting instructions are that on the basis of secret information received by the Investigating Officer on 12.3.2020 that three persons

namely Umar Mohd @ Lala, Arshad and present petitioner Soyab indulge in cow slaughtering business and that they were bringing certain animals for that purpose. On the basis of this, a naka was laid and seeing the police, two of the accused managed to escape and co-accused Umar Mohd. @ Lala was apprehended and from whom a plastic bag, two axes, 4 big knives, 10 meters rope along with 21 live stock consisting of 11 Bulls and 10 cows were recovered. It is subsequent on the basis of the statement of secret informer, the person who has managed to escape has been identified to be Soyab, the present petitioner.

Learned counsel for the petitioner contends that the petitioner was never apprehended at the spot and there is nothing suggestive that the petitioner and co-accused were carrying trade in cow slaughtering and nothing has been recovered from the petitioner.

The learned State counsel has though not differed over the factual scenario but has opposed the bail on the ground of heinousness of the offence and that custodial interrogation is very much essential.

The petitioner admittedly is not apprehended at the spot and is only named on the statement of secret informer and the

recoveries have already been effected. To the specific query of the Court, the learned State counsel could not satisfactorily explain what incriminating evidence has been collected to show that the accused petitioner too was carrying on cow slaughtering business. Keeping in view such circumstances, this Court considers it to be a fit case to allow bail.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioner is directed to join investigation within 15 days.

The present petition stands disposed of.

July 22, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No