

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

CRM-M-20758-2020 (O&M)

Date of decision: 16.11.2020

Hassan @ Hassi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Ms. Rosi, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Hassan @ Hassi, aged about 30 years, an accused in FIR No.259 dated 24.11.2018, for offences under Section 13(2) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of Prevention of Cruelty to Animals Act, 1960, registered with Police Station Rozka Meo, District Nuh.

Briefly stated facts of the case as per prosecution version are that, on 24.11.2018, a police party from Police Station Rozka Meo, headed by ASI Balbir Singh, travelling in official vehicle was present at Village Khod Basai near Nala Ujeena Bus stand in connection with patrolling and crime detection, where ASI Balbir Singh received a secret information that Aabid @ Abbi, Hassi son of Hayat (present petitioner),

resident of Shahpur Nangli, Aajad @ Timani son of Isru R/o Bivipur, Jakir S/o Aslup R/o Badwa were indulging in cow slaughtering and on that day, they were bringing cows in TATA-407 vehicle without number coming from Khod Basai mountain wall side with destination at Gwalda Rajasthan and if a picket was laid, they could be apprehended; a picket was accordingly laid on the culvert leading to Kaurali Patri side; after a few minutes, TATA-407 came there, carrying cows; ASI Balbir Singh signalled the vehicle to stop by giving torch light but the driver instead of stopping the vehicle increased its speed; the police party punctured the rear tyre of TATA-407 but even then the driver did not stop the vehicle, rather one person jumped out of TATA-407 from driver side, whereas three other persons jumped out from conductor side and managed to run away, leaving the vehicle with cows behind; the persons who had managed to run away were identified by the secret informant as Aabid @ Abbi and those escaping from driver side, Hassi son of Hayat (present petitioner), resident of Shahpur Nangli, Aajad @ Timani son of Isru R/o Bivipur, Jakir S/o Aslup R/o Badwa; the vehicle in which they were travelling was found to be without registration number and its engine and chasis numbers had also erased; the vehicle was found to be carrying 03 cows, 02 calves and 01 ox; those had been tied with ropes in a cruel manner and were having injuries; on being searched, one plastic bag having 02 knives, one axe, one wooden gutka and 10 meters rope were found; those articles were taken into possession; ruqa was sent to the police station, on the basis of which, formal FIR was registered; the investigation in the case started.

Apprehending his arrest in this case, petitioner had approached the Court of Sessions at Nuh, seeking pre-arrest bail. His such petition was assigned to Addl. Sessions Judge Nuh, who vide order dated 14.05.2020, dismissed the same. Feeling aggrieved, the petitioner has knocked at the door of this Court, praying for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Pre-arrest bail is a discretionary equitable relief, which is to be granted by the Court in very exceptional cases and not in routine. This provision is meant to protect the innocent persons from harassment and inconvenience and not to work as a shield for the criminals, so as to enable them to avoid interrogation by the investigating agency. In the instant case, the petitioner is not only specifically named in the FIR, in addition to that on being intercepted by the police party, petitioner/accused along with his co-accused had run away. If they had not done anything wrong, then should have stayed at the spot and render necessary explanation to the police party, rather than running away. Thus running away by the petitioner and his co-accused from the spot goes to show their guilty intention. The prosecution story that the cattle being carried in Tata-407 were meant to be slaughtered is fortified from the fact that as a result of search of the vehicle 02 knives, one axe, one wooden gutka and 10 meters rope had been recovered. Furthermore, the petitioner is stated to have been involved in 02 more criminal cases, details of which being are as under:-

1. FIR No.101 dated 21.08.2018, U/ss 5, 13(ii) 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered with PS Rozka Mev.
2. FIR No.123 dated 30.04.2020 , U/ss 148, 149, 323, 324, 326, 269, 270 and 188 IPC, registered with PS City Nuh.

That means the petitioner has got a past criminal record. Learned State counsel has contended that though the petitioner has joined the investigation but has not rendered full cooperation and has not furnished the complete information within his knowledge. Therefore, his custodial interrogation is necessary. The custodial interrogation of the petitioner is necessary to find out as to from where the cows, calves and ox had been brought, where they were to be slaughtered and to which customers, the beef was to be supplied. In case, the custodial interrogation is denied to the investigating agency that shall leave many gaps and loopholes, adversely affecting the investigation, which is uncalled for. Thus, keeping in view the totality of circumstances, no ground for grant of pre-arrest bail to the petitioner is made out. The petition so moved by him in that regard stands dismissed accordingly.

16.11.2020

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(H.S. MADAAN)
JUDGE

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