

203.

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

CRM-M-25902-2020

Date of decision:18.09.2020.

KHANAK ALI @ RONAK ALI

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Deepak Choudhary Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.168 dated 10.07.2019 under Sections 13(1), 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of Prevention of Cruelty to Animals Act, 1960, registered at Police Station Agroha, Hisar.

The aforesaid FIR was registered on the basis of an application submitted by Nitin. As per the application, on 10.07.2019, when the complainant along with his friend Ajeet and Gurmesh was going to Hisar in his car and has reached on Landhri Toll, a vehicle make Eicher 1110 with registration No.UP-17T-4553 crossed their car. The vehicle was covered with tarpaulin and planks were fastened at backside. However, on suspicion

that there may be gauvansh in the vehicle, the complainant stopped his car near Panchtara Hotel, main highway road and signaled the driver of the vehicle to stop. After stopping the vehicle on road, the driver and conductor fled away towards the fields. On information, the police reached at the spot and on checking of the vehicle, it was found that there were 10 oxen and 2 out of them were dead. The accused Khalid and Phurkan were arrested in the case and they have made disclosure statement that the petitioner had sent them so as to procure the cows for the purpose of slaughtering.

Counsel for the petitioner has argued that there is no other case against the petitioner and he has been named as an accused merely on the basis of disclosure statement of the co-accused Khalid and Phurkan who were arrested in the case and now on regular bail. He relies upon judgment dated 10.08.2020 passed by this Court in ***CRM-M-20901-2020*** titled as ***Shiv Shambhu Versus State of Haryana***, to contend that disclosure statement is a weak evidence and itself cannot be made the basis to implicate the petitioner.

Learned State counsel submits that the other co-accused arrested in the case, namely, Khalid and Phurkan have acted as per the direction of the petitioner which is evident from their disclosure statement.

I have heard learned counsel for the parties.

The allegations against the petitioner are serious as the other co-accused, namely, Khalid and Phurkan, who have been arrested in the case, have made disclosure statement that it is the petitioner who sent them to procure the cows for the purpose of slaughtering.

In view of above, no case for grant of anticipatory bail to the petitioner is made out.

Dismissed.

(HARI PAL VERMA)
JUDGE

18.09.2020

sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.