

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

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**CRM-M-28298-2020 (O&M)
Date of Order:17.09.2020**

Mustkeem

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munfaid Khan, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.225, dated 07.10.2019, registered under Section 5/13(2)/17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 11/59/60 of the Animal Cruelty Act, 1960 and Section 120-B IPC, at Police Station Nagina, District Nuh.

In a nutshell, the case of the prosecution has been noticed by the learned Sessions Judge, Mewat in paragraph 3 of its order dated 11.06.2020, which is extracted as under:-

“3. Per reply of the State, present FIR was registered on the allegations that on 07.10.2019, police party headed by A.S.I. Kallu Khan was present at Shikrawa road Sukhpuri Nala pulia in a government vehicle in connection with checking of crime and patrol duty, when he received a secret information that Sajid son of Aamin, Mosam son of Sarfu, Mustkeem and Aarif sons of Ramjan were indulged in the business of slaughtering the cows and on that day they were carrying cows in vehicle i.e LP bearing registration No. HR-55L-3087 and would go to Village Baloj (Rajasthan) from Haryana via village Rithad for slaughtering and if the raid was conducted, they could be apprehended. Believing the information to be trustworthy, passersby were asked to join the raiding party but they showed

their inability. A.S.I. Kallu Khan shared the information with his fellow police officials and they along with secret informer reached the disclosed place and barricading was done. After 20- 25 minutes, one vehicle was seen coming from the side of village Rithad and secret informer disclosed that it was the same vehicle which was transporting cows upon which A.S.I. Kallu Khan signalled to stop the vehicle but on seeing the police party, he increased the speed of vehicle. On signal, H.C. Mohan Lal put an Iron Kanta before the vehicle to puncture the tyre but after puncture of tyre, he did not stop the vehicle. The police party chased the Container and since the driver side tyre got punctured, they had to stop the vehicle and one person from conductor side alighted from the vehicle and was apprehended at the spot whereas three persons fled away from the said container. On asking, he disclosed his name as Mosam son of Sarfu and on enquiry he disclosed the names of other persons as Mustkeem son of Ramjan, Aarif and Sahid. The vehicle was bearing registration No. HR-55L-3087 and eighteen weak and feeble cows and six oxen tied with ropes were found to be boarded in the vehicle. The said vehicle, eighteen cows, six oxen, two knives, one axe and one wooden block were taken into police possession. Accordingly FIR was lodged for the commission of offence punishable under sections 5/13(2) 17 of the Haryana Gauvansh Sanrakshan And Gausamvardhan Act, 2015, 11-59-60 of Animal Cruelty Act and 120B of IPC.”

Learned counsel for the petitioner contends that the petitioner was not apprehended from the spot and he has been falsely implicated. He further submits that the 7 Oxes and 18 Cows were alive when the alleged transport vehicle was apprehended, hence, the provisions of Act would not be attracted.

On the other hand, Sh. Chetan Sharma, Assistant Advocate General, Haryana, has pointed out that the petitioner is already facing two more FIRs apart from the present case involving similar offences. He has further pointed out that the petitioner has been evading the arrest for a period of 11 months.

From the reading of the FIR, it is apparent that, although, the police official gave signal to stop the transport vehicle, however, the driver of the

vehicle, the petitioner, tried to run away. The vehicle had to be stopped forcibly by placing an iron kanta. Still efforts were made to take the vehicle away.

Keeping in view the aforesaid facts, there is no ground to grant the concession of pre-arrest bail to the petitioner.

Dismissed.

September 17, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No