

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 29467 of 2020 (O&M)

Date of decision : 16.10.2020

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Mosim

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Ms. Rosi, Advocate for the petitioner.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for grant of pre-arrest bail has been filed by petitioner Mosim, aged about 26 years, son of Rehmu, resident of village Golpuri, Police Station Nuh, District Nuh, an accused in FIR No. 374 dated 10.8.2020, for offences under Sections 13(2) of Haryana Gauthansh Sanrakshan and Gauthansvardhan Act, 2015, registered at Police Station Nuh, District Nuh.

Briefly stated, facts of the case, as per the prosecution story

are that on 10.8.2020, a police party from Police Station Sadar, Nuh, while on patrol duty and being present at Kairaka turn Sudaka, had received a secret information that Mosin s/o Rehmu r/o Golpuri (Jhopadi), Police Station Sadar, District Nuh - present petitioner, was engaged in the business of cow slaughtering and on that day was to pass near village Dhanduka Nuh Meoli Pahadwal, alongwith cows in that way if a naka was laid, he could be caught alongwith the cows. A naka was accordingly laid. The accused was seen coming alongwith cows. On seeing the police party he ran away. The cows being brought by the accused, 5 in number had been taken into police possession. Formal FIR was registered. Investigation in the case started.

Apprehending his arrest in this case, the accused had approached the Court of Sessions at Mewat, for grant of pre-arrest bail. His such petition was assigned to Additional Sessions Judge, Nuh, which was however dismissed vide order dated 10.9.2020. Feeling aggrieved, he has knocked at the door of this Court for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

The petitioner is specifically named in the FIR and as the prosecution story goes, on seeing the police party, he had run away from the spot, pointing out that he was having guilty intention. If he had not done anything wrong, there was no reason for him to run

away from the spot. 5 cows had been recovered from his possession. As per the prosecution story, the cows were meant to be slaughtered. The custodial interrogation of the petitioner is necessary and essential to find out as from where he had brought the cows and what was to be done therewith. In case custodial interrogation is denied to the Investigating Agency, that shall adversely affect the investigation, which is uncalled for.

There is no merit in the petition.

The same stands dismissed.

However, nothing discussed above shall have any bearing on the merits of the case.

16.10.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
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Whether reportable	Yes / No
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