

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

CRM-M-39212-2020(O&M)

Date of decision:-15.12.2020

Najakat

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Arjun Atri, Advocate
for the petitioner.

Mr.Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Najakat, aged 32 years, resident of village Nangal Mubarikpur, P.S. Nagina, District Nuh, being an accused in FIR No.692 dated 11.11.2019 for the offence under Sections 4/13(A) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered with Police Station City, Sohna, District Gurugram.

Briefly stated, the facts of the case as per the prosecution story are that on 11.11.2019 in the morning Monu Yadav, a member of Gau Rakshak Dal received a secret information that two persons were

transporting cow meat from Mewat to Delhi in Scorpio vehicle bearing registration No.HR26-AN-2124. Accordingly that vehicle was chased and Gau Rakshak Dal was informed. A team of Gau Rakshak Dal had put pieces of barbed wire on the road and while passing on it, left rear tyre of the Scorpio vehicle got burst. The occupants of the Scorpio vehicle left it there and managed to run away under cover of darkness. The Scorpio vehicle was found to be carrying cow meat. After registration of formal FIR, the matter was investigated, during the course of which, it came out that petitioner Najakat had purchased the Scorpio vehicle from True Value Fortune Cars Showroom, in that way he was owner of the Scorpio vehicle in which the cow meat was being carried. This fact had been admitted by brother of the petitioner/accused, namely, Nijam. In that way, petitioner/accused Najakat was nominated in this case.

After being nominated in this case, apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing application, which was assigned to Additional Sessions Judge, Gurugram. However, his such request was declined by learned Additional Sessions Judge, Gurugram inasmuch his such application was dismissed vide order 22.6.2020. As such, the petitioner had approached this Court asking for similar relief moving petition bearing CRM-M-17624-2020. However, after arguing for some time, learned counsel for the petitioner stated that he be permitted to withdraw the petition. Such permission was accordingly granted to him and that petition was dismissed as withdrawn vide order dated 27.7.2020.

Thereafter, the petitioner has moved the instant petition praying for the

similar relief, which request is being opposed by learned State counsel.

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

Here the name of the petitioner had cropped up during the investigation of the case, being owner of the Scorpio vehicle in which cow meat was being carried. Under the circumstances, he is required to explain as to how the vehicle belonging to him was carrying the cow meat, which is an offence under Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015. The petitioner can simply not wash his hands off the matter saying that he has no concern with the vehicle in question. The investigating agency as a result of investigation carried out had found that it was the petitioner Najakat, who had purchased the Scorpio vehicle in question from True Value Fortune Cars Showroom and he was owner of the same on the day of occurrence. The brother of the petitioner is also said to have admitted this fact.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required to find out as to how the vehicle belonging to him was found in transporting cow meat, as to from where the cows had been brought, where they were butchered, the other persons involved in the matter as well as the names of the persons to whom the cow meat was to be supplied. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.

Further, the petitioner is said to be involved in 9 more cases of the same nature, which also points out towards his involvement in this case.

Therefore, the petition is doomed for failure and is dismissed accordingly.

15.12.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No