

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

CRM-M-13084-2021 (O&M)

Date of decision: 01.04.2021

Bhura Khan

...Petitioner

Versus

State of Haryana

...Respondent

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

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

H.S. MADAAN, J.

This petition for pre-arrest bail has been filed by petitioner Bhura Khan, an accused in FIR No.180 dated 23.05.2020, for offences under Sections 5/13(2), 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Sections 279 and 336 IPC and Section 11 of Animal Cruelty Act, 1959, registered with Police Station Hodal, District Palwal.

Notice of motion.

Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of the respondent-State.

Briefly stated the facts of the case as per prosecution story are that, Devi Lal son of Jagbir, resident of Village Sondh, Palwal, member of Gau Raksha Samiti had submitted a written complaint to the police, contending therein that on 23.05.2020, at about 7.05 PM, he

had received information that Suleman son of Pappu, resident of Village Burai, Police Station Danahar (UP), Bhura son of Noor Khan Mev, R/o Mewali Hatharas (UP) (present petitioner), Saraf son of Bhura, were involved in cow slaughtering and on that day, they were to come towards Punhana in vehicle No.UP86-T-1181, as such, a picket was laid at Karman Border, Hodal and a vehicle being driven in a rash and negligent manner coming from UP side was spotted coming at about 7.20 PM; that vehicle was intercepted; the occupants tried to run away but one of them was apprehended, who disclosed his name as Suleman; the vehicle was found to be loaded with cows and oxen 17 in number, out of which, 03 were found to be dead; the remaining were shifted to Dada Kanha Gaushala, Bahin; on receipt of written complaint, formal FIR was registered; the investigation in the case started.

Apprehending his arrest in this case, petitioner/had approached the Courts of Sessions at Palwal, by moving an application for grant of pre-arrest bail, which was dismissed, vide order dated 04.03.2021. Feeling aggrieved, the petitioner has approached this Court, craving 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.

The petitioner is named in the FIR and there are specific allegations that he along with his co-accused are involved in cow

slaughtering. The vehicle in which the cows and oxen were being transported is said to be belonging to the present petitioner. As per prosecution story, he had managed to run away from the spot. Custodial interrogation of the petitioner is found to be necessary for complete and thorough investigation to find out as to from where the cows were being brought and where they were to be taken for slaughtering, the names of other persons involved in those wrongly activities and the names of other persons travelling in the vehicle at that time are also to be ascertained. In case, the custodial interrogation is denied to the investigating agency that shall leave many gaps, loopholes and lacuna, adversely affecting the investigation, which is uncalled for.

The petition is found to be without any merit and is dismissed accordingly.

01.04.2021

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(H.S. MADAAN)
JUDGE

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