

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

CRM-M-13687-2021

Date of decision:-26.7.2021

Vishal

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Parveen Chauhan, Advocate
for the petitioner.

Mr.Gaurav Bansal, 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 – Vishal, aged about 26 years, an accused in FIR No.461 dated 24.8.2019, under Section 11/59/60 of Animal Cruelty Act & Section 13/17 of Haryana Govansh Act, registered with Police Station Sadar, District Hisar.

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

story are that on 24.8.2019, a canter bearing registration No.HR-64/3706 loaded with 8 cows was intercepted by the police; the driver after stopping the canter ran away, whereas the conductor was apprehended and on being inquired, he disclosed his name as Parvej son of Jammu Kurashi; during interrogation, Parvej informed that name of the person driving the canter was Abdul Sheikh, however no person by the name of Abdul Sheikh could be located; it transpired that the canter is registered in the name of petitioner Vishal son of Ranbir, resident of Stundi, District Karnal. Formal FIR was registered in the matter.

Apprehending his arrest, the petitioner had approached the Court of Sessions at Hisar seeking grant of pre-arrest bail by filing application, which was assigned to Additional Sessions Judge, Hisar. However, his such application had been dismissed vide detailed order dated 1.1.2021. As such, the petitioner has approached this Court by way of filing the instant petition asking for the similar relief, which request is being resisted by the State counsel.

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

The petitioner does not dispute that he is registered owner of the canter, which was intercepted by the police and was found to be loaded with cows, which as per the prosecution story were meant for sale in U.P. for the purpose of slaughtering. Although according to the petitioner, he had sold that vehicle to one Savej son of Yakub on 8.11.2018 and an affidavit in that regard was executed but as informed by learned State counsel, which could not be controverted by learned counsel

for the petitioner that it was petitioner, who had got the canter released on superdari from the Court of competent jurisdiction. That means the petitioner continues to be registered owner of the vehicle. If he had sold the same to some Savej, then name of Savej would have been substituted in place of the petitioner as registered owner but it is not so. Furthermore, as per the prosecution story, the driver of the canter had run away from the spot when the canter was intercepted and conductor of the canter on being asked had stated that the person driving the canter was Abdul Sheikh but the police could not locate any person by such name. The petitioner being registered owner of the canter, it could be presumed either he was driving the canter at that time or someone else was doing so under his direction.

Though when the present petition was filed, the petitioner was granted interim bail with a direction to join the investigation but as informed by the State counsel, the petitioner has not come up with the entire facts within his knowledge.

Therefore, the custodial interrogation of the petitioner is necessary for complete and effective investigation to find out that how the canter belonging to him was being used for transportation of cows to U.P. for the purpose of slaughtering. Only his custodial interrogation would reveal as to which persons those cows were to be supplied and for what amount, the previous similar transactions, if any are also to be inquired about from the petitioner and he is to explain as to from where the cows were being brought. In case custodial interrogation of the petitioners 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.

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.

Therefore, the facts and circumstances of the case do not call for acceptance of the petition. The same is doomed for failure and is dismissed accordingly.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

26.7.2021

Brij

Whether reasoned/speaking : Yes/No**Whether reportable : Yes/No****(H.S.MADAAN)****JUDGE**