

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

CRM-M-21423-2021

Date of decision:-28.6.2021

Sakir

...Petitioner

Versus

The State of Haryana

...Respondent

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

Present: Mr.Saleem Ahmed, 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 Sakir, an accused in FIR No.0237 dated 12.12.2019, under Sections 3/13(1), 8/13(3) of HGS & GS Act, registered with Police Station Bichhore, District Nuh.

Briefly stated, the facts of the case as per the prosecution story are that on 12.12.2019, police of Police Station Bicchore, District Nuh received a secret information that Sadkin son of Munshi, a resident of Singar, Police Station Bicchore and present petitioner Sakir son of Umar, resident of Uttawar, Police Station Uttawar, District Palwal, then at village Singar, related to Sadkin, had been indulging in the business of selling cow meat and on that day, they had slaughtered a cow, selling beef and skins of the cow were placed nearby and that some cows were

tethered at that place, which were meant to be slaughtered. Accordingly, a raid was conducted at the disclosed place. Accused Sadkin carrying an axe and present petitioner/accused Sakir having a knife came out of the house but on seeing the police party, they managed to run away. However, they were duly identified by the secret informant. The police observed that two cows, two calves, a bull and five thin cows of Haryana breed were found tethered there and in the north east corner of that room, cow skins around 10 in number and pieces of meat were also recovered, which were taken into police possession. On ruqa being sent, formal FIR was registered.

Apprehending his arrest, the petitioner had approached the Court of Sessions at Mewat by moving an application for pre-arrest bail, which was assigned to Additional Sessions Judge, Mewat, however, his application was dismissed by the said Court vide order dated 26.8.2020. As such, the present 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 accused is specifically named in the FIR. As per the prosecution story on seeing the police party, petitioner-accused carrying a knife and his co-accused Sadkin having an axe had run away. If they had not done anything wrong, there was no necessity of their running away from the spot on seeing the police party. Their such action goes to show their guilty intention. The police party had recovered cows, calves, meat

pieces and cows skins from the spot, which prima facie show that the petitioner/accused along with his co-accused had been indulging in slaughtering cows and selling of their meat and skins and their such acts comes within the mischief of Sections 3/13(1), 8/13(3) of HGS & GS Act. Such act and conduct of the petitioner could hurt the religious sentiments people believing in Hindu religion and could spark communal tension, which might have taken an ugly shape.

As stated by the State counsel, the petitioner is said to be involved in a similar case bearing FIR No.39 dated 1.3.2018, registered with Police Station Bichhore. Thus he is a habitual offender.

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 arrest and custodial interrogation.

The custodial interrogation of the petitioner is necessary for complete and effective investigation to find out from where he had brought the cows, calves, bull etc. for the purpose of slaughtering and to which persons he had been supplying cow meat and cow skins. 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.

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 petition 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.

28.6.2021

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