

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-25439 of 2021

Date of decision:6.7.2021

Gulsanpavvar

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.P.K.Ganga, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.1, dated 1.1.2020, having been registered at Police Station Sadar Dabwali, District Sirsa, alleging therein the commission of offences punishable under the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, and Section 11 of the Prevention of Cruelty to Animals Act, 1960 (with Sections 3/5/13/17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, as also Section 429 of the IPC having been added later).

Learned counsel for the petitioner submits that the petitioner, being the owner of the vehicle, was not present at the spot and therefore he cannot be accused of having any knowledge of what was being transported in his vehicle by the driver and therefore deserves to be admitted to

anticipatory bail.

He next submits that actually the truck was to be used for transporting vegetables but with the driver having loaded the bulls/oxen without his knowledge; and in any case it is not proved anywhere that the oxen were being taken to be slaughtered.

However, learned State counsel, on instructions from SI Om Parkash, submits that the driver made a disclosure statement that in fact the petitioner was with him at the time that the vehicle was stopped and that he was the person who had run away (as is stated in the FIR).

Even if that disclosure statement is to be ignored (at this stage only), upon query to learned counsel for the petitioner as to what purpose the oxen were being transported for with there being no documents at all shown to have been recovered qua the animals, from the vehicle, he could not deny the fact that there were no such documents available.

It is also to be noticed that one of the oxen is stated to have died during transportation and therefore there would be (*prima facie* at least) an offence made out punishable under the Prevention of Cruelty to Animals Act, 1960.

Even though learned counsel for the petitioner submits that the offences punishable under that Act are bailable offences, however in the entire circumstances of the case, where there is no documentation at all with regard to the transportation of the animals which seemingly were overloaded in a truck and possibly were being taken either for slaughtering or otherwise, I would see no ground to entertain this petition by which the

petitioner seeks to be admitted to anticipatory bail.

Consequently, this petition is dismissed.

Naturally, if the petitioner is arrested and thereafter moves an application seeking to be admitted to bail under the provisions of Section 439 of the Cr.P.C., that would be decided wholly on its own merits.

6.7.2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No