

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.223

CRM-M No.26235 of 2021

Date of Decision: 18th August, 2021.

Imran

...Petitioner

Versus

State of Haryana

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Saleem Ahmed, Advocate,
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case registered at Police Station Nuh District Nuh, vide FIR No.179 dated 23.04.2021 under Sections 3/13(1), 8/13(3), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations as levelled in the subject FIR, are that on receipt of a secret information regarding the petitioner having been indulging in cow-slaughtering, the raiding party held the *nakabandi* (barricades) at the disclosed place and after some time, a motor-cycle was seen coming from Nuh side but the motor-cyclist left the motor-cycle at a distance of about 20 yards from the barricades and managed to flee away from there but he was identified by

the secret informer as Imran, i.e the petitioner and 60 kg beef, as kept on the motor-cycle, was recovered.

Status-report, filed on behalf of the respondent-State by way of the affidavit of the Deputy Superintendent of Police Firozpur Jhirka, District Nuh, along-with Annexures R-1 to R-3, is already available on the file and these documents are taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that no independent witness from the public was joined in the raiding party and the identification of the petitioner by the secret informer at the spot is highly doubtful and moreover, the motor-cycle, as allegedly recovered from the spot, had been sold away by the petitioner much before the alleged occurrence and the petitioner has been falsely implicated in the case and in these circumstances, he deserves the relief as prayed for in this petition.

Per contra, learned State counsel argues that the motor-cycle in question is found to be registered in the name of the petitioner and his identification by the secret informer at the spot is trustworthy because he (secret informer) has specifically mentioned his (petitioner's) name while informing the police party regarding the alleged crime and in view of the gravity of the offence as committed by the petitioner, the instant petition deserves dismissal.

As regards the contentions regarding non-joinder of any independent witness from the public in the raiding party and the veracity of the identification of the petitioner by the secret informer at the spot, the same can and shall be looked into and appreciated by the trial Court at the appropriate stage during the course of the trial only. So far as the contention qua the said motor-cycle having been sold by the petitioner much prior to the alleged occurrence is concerned, it is worthwhile to mention here that the petitioner has not placed any material on the record in this regard.

In view of the above-discussed facts and circumstances, coupled with the fact that the petitioner had allegedly fled away from the spot at the time of the alleged occurrence, this Court is of the considered opinion that the petitioner does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

18.08.2021.
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No