

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 210

CRM-M-29962-2021

Date of decision : 01.12.2021

Rinku

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

 Mr.Sumit Jain, Addl.A.G., Haryana.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.69 dated 09.03.2021 registered under Section 13(2) of the Haryana Govansh Sanrakshan and Gausamvardhan Act, 2015 and Section 279 IPC at Police Station Manesar, District Gurugram.

On 09.03.2021, Mohit @ Monu, as a member of Gauraksha Bajrang Dal, filed a complaint with the police that he had seen a pick up vehicle carrying cows which are being taken to Mewat for slaughtering. The police set up a barricade and when they saw a pick up vehicle of the given description they signalled it to stop. On such signal it was driven rashly in the course of which two of its tyres burst. Thereafter, the driver and another person sitting in the vehicle fled away. The pick up vehicle was found to be carrying six cows and on the basis thereof the aforesaid FIR was registered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; he was neither arrested at the spot nor has been identified to be one of the occupants of the pick up vehicle; he is also not the owner of the pick up vehicle as the same is owned by one Jamshed Khan; the petitioner is sought to be nominated as an accused only being the special power of attorney holder of the aforesaid Jamshed Khan; the entire case is based on the presumption

that the transported cows were being taken for slaughtering and that there is no evidence whatsoever with the police that the recovered cows were being taken for slaughtering.

Though learned State counsel admits that the petitioner has joined investigation he opposes the grant of bail to the petitioner on the ground that he is involved in three other criminal cases.

Whether the case of the prosecution is based on mere presumptions that the recovered cows were being taken for slaughtering and as to whether the petitioner could be prosecuted only for the reason that he holds a special power of attorney of the owner of the pick up vehicle from which the aforesaid cows have been recovered would be debated during the course of the petitioner's trial. However, the petitioner was not arrested from the spot; he has also not been identified to be one of the occupants of the pick up vehicle from which the cows were recovered; he is also not the owner of the vehicle in which the cows were being carried and that as per learned State counsel the petitioner has shown his *bonafide* by joining investigation.

In view of the above and subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No.69 dated 09.03.2021 registered under Section 13(2) of the Haryana Govansh Sanrakshan and Gausamvardhan Act, 2015 and Section 279 IPC at Police Station Manesar, District Gurugram, he shall be released on anticipatory bail to the satisfaction of the Arresting Officer.

The petition is allowed in the above terms.

01.12.2021

shamsher

[DEEPAK SIBAL]

JUDGE

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No