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

CRM-M-37834-2021

Date of decision : 13.09.2021

Juber Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Munfaid Khan, Advocate for the petitioner.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is to grant anticipatory bail to the petitioner in FIR No.15 dated 10.01.2021 registered under Sections 5/13(I), 13(II) of the Haryana Gauthansh Sanrakshan and Gauthamvardhan Act, 2015 (hereinafter to be referred as “the Act of 2015”) at Police Station Bilaspur, District Gurugram.

Learned counsel for the petitioner has submitted that the petitioner is sought to be involved only on the basis of the fact that he is the owner of the vehicle from which 8 bulls were found to have been loaded. It is submitted that the petitioner was not there at the spot and in fact, he was sitting in his house and in the vehicle, there was only one person who was the driver, who had ran away. It is also submitted that

although the petitioner has been involved in 13 cases but the petitioner is on bail in all the said cases. It is also argued that in the present case, FIR has been registered by one Deepak who is a member of Cow Rakshak Dal Haryana and the truck in question was stopped by him as well as the police which was also called by him, has no locus standi.

This Court has heard the learned counsel for the petitioner.

As per the prosecution case, the said Deepak-complainant had stopped one vehicle HR-74-4365 after he had received the information that in the said truck, there were cows being loaded for slaughtering. In the truck, there were 8 bulls found to have been loaded. The police was called. However, the truck driver managed to escape. On enquiry, it was found out that the vehicle in question is registered in the name of petitioner and, thus, the petitioner has been made as an accused in the present case. There are 13 cases registered against the said petitioner, out of which 7 cases are registered under the Act of 2015. The details of said 13 cases are reproduced hereinbelow:-

- “1. FIR No.122 dated 02.03.2016 under Section 13(2) of the Haryana Gauvans Sanrakshan and Gausamvardhan Act, 2015 at Police Station Sadar Nuh.*
- 2. FIR No.341 dated 04.12.2016 under Section 13(2) of the Haryana Gauvans Sanrakshan and Gausamvardhan Act, 2015 at Police Station Sadar Tauru,*
- 3. FIR No.380 dated 05.10.2017 under Section 13(2) of the Haryana Gauvans Sanrakshan and Gausamvardhan Act, 2015, Sections 279, 336, 120-B of the Indian Penal Code, 1860 and Section 11 of the Prevention of Cruelty to Animals Act, 1960 at Police Station Sadar Tauru,*

4. *FIR No.192 dated 19.05.2017 under Section 13(2) of the Haryana Gauvans Sanrakshan and Gausamvardhan Act, 2015, Section 120-B of the Indian Penal Code, 1860 and Section 11 of the Prevention of Cruelty to Animals Act, 1960 at Police Station Sadar Tauru,*
5. *FIR No.419 dated 07.11.2017 under Section 13(2) of the Haryana Gauvans Sanrakshan and Gausamvardhan Act, 2015 , Section 120-B of Indian Penal Code, 1860 and Section 11 of the Prevention of Cruelty to Animals Act, 1960 at Police Station Sadar Tauru,*
6. *FIR No.380/2020 under Section 13(2) of the Haryana Gauvans Sanrakshan and Gausamvardhan Act, 2015 at Police Station Sadar Tauru,*
7. *FIR No.230 dated 08.08.2016 under Section 13(2) of the Haryana Gauvans Sanrakshan and Gausamvardhan Act, 2015, Section 120-B of the Indian Penal Code, 1860 and Section 11 of the Prevention of Cruelty to Animals Act, 1960 at Police Station Sadar Tauru,*
8. *FIR No.66 dated 05.03.2018 under Sections 147, 149, 307, 323, 506 of the Indian Penal Code, 1860 at Police Station Sadar Tauru,*
9. *FIR No.12 dated 07.01.2018 under Sections 120-B, 148, 149,186, 188, 307, 332, 353, 379, 427, 323 of the Indian Penal Code, 1860 at Police Station Sadar Tauru,*
10. *FIR No.472 dated 20.11.2018 under Sections 323, 332, 353, 186, 307 of the Indian Penal Code, 1860 and Sections 25, 54 of the Arms Act, 1959 at Police Station Sadar Tauru,*
11. *FIR No.13 dated 05.01.2014 under Sections 148, 149, 232, 307, 506, 325, 452 of Indian Penal Code, 1860 at Police Station Sadar Tauru,*
12. *FIR No.438 dated 07.11.2013 under Sections 379, 188,*

395, 397, 436, 506, 307, 120-B of IPC and Section 25, 54, 59 of Arms Act at registered at Police Station Sadar Tauru,

13. FIR No.3 dated 02.01.2014 under Sections 379, 188, 148, 149, 307 of IPC and Sections 25, 54, 59 of Arms Act at registered at Police Station Sadar Tauru.”

A perusal of the same would show that the petitioner has been committing the offence repeatedly of which he is involved in the present case and is even involved in cases of theft and attempt to murder. Thus, keeping in view the antecedents of the petitioner as well as the fact that the petitioner is the owner of the vehicle and in the present petition, there is no explanation averred as to how this particular vehicle has been misused by somebody and thus, this Court finds no merit in this argument.

The argument of learned counsel for the petitioner to the effect that the complainant had no right, deserves to be rejected on the ground that it is a matter of settled law that criminal law can be set in motion on the complaint made by any individual. The FIR has been registered by the police officials.

The argument of learned counsel for the petitioner to the effect that the petitioner was not present at the spot is also baseless inasmuch as admittedly he is the owner of the truck in question, in which 8 bulls were being transported. Even the fact that the petitioner is on bail in the other cases also does not persuade this Court to grant anticipatory bail to the petitioner as it is apparent that the petitioner is repeatedly

indulging in similar cases and is also involved in cases with offences of theft as well as attempt to murder, thus, this Court finds no merits in the present case.

Hence, the present petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

13.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No