

CRM-M-39974-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39974-2021

Date of Decision: 13.10.2021

Mausam

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Rosi, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J.

The present petition has been filed under Section 438 of Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.0467 dated 08.10.2020, under Sections 13(1), 13(2) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 429 of IPC, registered at Police Station Bilaspur, District Gurugram.

As per the FIR an information was received by the police that one vehicle bearing No. HR-38V-3087 was filled with Cows and when the villagers started raising noise then unknown driver has run away leaving the aforesaid vehicle in the village street and when the police party reached there, then total 5 Cows were there in the aforesaid vehicle which were lean and feeble. There were 3 Cows and 2 Oxes. One was indian and other was jarsi, which was in dead state in the aforesaid vehicle. The driver of the

vehicle was taking all of them for the purpose of slaughtering.

The learned counsel for the petitioner has submitted that the petitioner was not named in the FIR and he has been falsely implicated in the present case and he is not connected with the present case at all and, therefore, he may be considered for the grant of anticipatory bail.

Notice of motion was issued in this case and the State was directed to file an affidavit with regard to the role of the present petitioner and the details of the other cases, if any, against the petitioner.

In response thereto, the State had filed an affidavit of Assistant Commissioner of Police, Pataudi, Gurugram on behalf of State of Haryana.

Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana while referring to the affidavit filed by the State submitted that during the investigation it was found that the original owner of the aforesaid vehicle was Mehmood Ali who joined the investigation and it was found that he has sold the vehicle on affidavit to the present petitioner namely Mausam and, therefore, the petitioner is the main accused in the present case. He further submitted that the custodial interrogation of the petitioner is required to obtain information as to from where these Cows/Oxes were brought and where they were to be taken. He further submitted that the petitioner was also involved in other case bearing FIR No.06 dated 11.07.2017, under Section 379/336/120-B IPC, Section 13(2), 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2017 and Section 11 of Prevention of Cruelty to Animals Act, P.S. Rozka Meo, District Mewat and the petitioner is on bail in the aforesaid case and is facing trial. The learned State counsel while referring to para No.6 of the affidavit further submitted

that in the abovenoted FIR the petitioner was granted superdari of the vehicle which was involved in the present case and the petitioner himself received the said vehicle in the police station by affixing his own signatures. He submitted that although the original owner of the vehicle was Mehmood Ali but he had sold the vehicle to the present petitioner and the original owner received an amount of Rs. 1,34,000/- and even the petitioner had submitted an affidavit in the Court during grant of superdari of the vehicle and, therefore, the petitioner was having possession of the vehicle from where Cows/Oxes were found. He submitted that weak and feeble Cows/Oxes were to be taken for slaughtering purposes which is an offence and, therefore, the custodial interrogation of the petitioner is required as to from where these Cows/Oxes were brought and where they were to be sent. He has therefore opposed the grant of anticipatory bail.

I have heard the learned counsel for the parties.

The plea taken by the learned counsel for the petitioner that the petitioner was not named in the FIR and he was falsely involved in the present case does not seem to be *prima facie* justifiable at this stage. As per the State, the vehicle which was recovered alongwith five Cows/Oxes in feeble and weak condition was purchased by the petitioner even on the basis of an affidavit and as per the affidavit filed by the State, the petitioner himself had obtained the superdari of the vehicle and the same vehicle was involved in the earlier FIR which was pertaining to the similar kind of offence. Therefore, the plea taken by the learned counsel for the State that the custodial interrogation of the petitioner is required for elicitation of truth does carry weight.

Therefore finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

13.10.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No