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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41223-2021 (O&M)
Date of Decision: 01.10.2021

Jafru

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Rosi, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.111 dated 11.09.2021, under Sections 13(1) and 13(3) Haryana Gauvash Sanrakshan and Gausamvardhan Act, 2015, at Police Station Pinangwan, District Nuh. He apprehends his arrest at the hands of Police in the above said FIR.

The FIR was registered on the statement of HC Manoj and the allegations as noticed by the ld. Sessions Judge, Nuh in the order dated 24.09.2021 are as under:

“As per police reply, on telephonic information from ERV dial 112 to the effect that petitioner Jafru has been selling beef in plastic bags on a motorcycle who was apprehended and then managed to flee away, police party led by HC Manoj Kumar reached there. The police party of EASI Rameshah was already present there. A motorcycle bearing registration No.HR-28H-2741 as well as about 60 kg of beef in polythene envelops were found in a gunny bag, those were taken in police possession. Present case was registered.”

Learned counsel for the petitioner has argued that the above mentioned case has been lodged to falsely implicate the petitioner and the recovery of alleged beef has already been made, therefore, the custodial interrogation of the petitioner may not be necessary. She submits that the

petitioner is ready to join the investigation, therefore, he be granted the concession of pre arrest bail.

Learned State counsel assisted by ASI Mukesh, has opposed the prayer on the ground that the motorcycle bearing No.HR-28H-2741 is owned by the petitioner and merely because he fled away from the place of occurrence, he does not deserve the concession of anticipatory bail. He submits that 60 kgs of beef contained in a polythene bag was recovered from the said vehicle and the petitioner is involved in another case of similar nature.

After hearing the learned counsel for the parties, this Court is of the opinion that as per prosecution, the petitioner was carrying 60 kgs of beef on his motorcycle an when he was apprehended, he managed to escape from the spot leaving behind his motorcycle. Learned counsel for the petitioner is unable to rebut the stand of the learned State counsel that the petitioner is involved in another case of similar nature, therefore, considering the above background, but without expressing any opinion on the merits of the case, this Court is of the opinion that the petitioner does not deserve the extraordinary concession of anticipatory bail.

Dismissed.

01.10.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No