

101

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

CRM-M-44720-2021 (O&M)
Date of decision : 27.10.2021

Jafar Iqbal @ Jafri @ Jafar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Rosi, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.271 dated 12.09.2021 registered under Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of the Prevention of Cruelty to Animals Act, 1960 at Police Station Sadar Tauru, District Nuh.

The brief case of the prosecution is that on 12.09.2021, Head Constable Khem Chand was on patrolling duty when the secret informer informed that the petitioner alongwith other co-accused are indulging in the act of cow slaughtering and were bringing the cows for slaughtering from the State of Rajasthan and their canter bearing registration No.HR-73A-7805 had met with an accident with a tree in Village Kagarka,

Haryana. 12 calves, one bull and 2 cows were recovered from the truck. It is the case of the prosecution that the present petitioner has a General Power of Attorney as well as an affidavit executed by the registered owner in his name. The anticipatory bail application filed by the petitioner has been dismissed by the Sessions Judge, Nuh on the ground that the present petitioner was a person who had the General Power of Attorney as well as affidavit executed by the registered owner of truck in his name, in which the said calves/cows were being taken after being tied mercilessly.

Learned counsel for the petitioner has vehemently submitted that in the present case, the petitioner is not the registered owner and in fact it is said Ashu who is registered owner of the vehicle. It is also submitted that although General Power of Attorney is in the name of the petitioner but the same would not make the petitioner the owner of the vehicle. It is also submitted that the petitioner was not identified at the spot.

This Court has heard the learned counsel for the petitioner and has perused the paper book.

The fact that the General Power of Attorney has been executed by the registered owner and also that there is an affidavit in favour of the petitioner, has not been disputed. It is a matter of common knowledge that the sale of vehicle takes place through such transactions of General Power of Attorney as well as affidavit. No reasons have been given as to why the said General Power of Attorney and affidavit were

executed in favour of the petitioner. The same prima facie shows that it was the petitioner who in fact had rights over the truck in question. There is no explanation furnished by the petitioner as to how and why the truck was carrying the abovesaid cows/calves which were tied in a cruel manner.

In view of the same, this Court is of the view that the petitioner is not entitled to grant of anticipatory bail and accordingly, 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.

27.10.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No