

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

**CRM-M No. 46307 of 2021 (O&M)
Date of Decision: 03.11.2021**

Sakir Hussain

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Rosi, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

An FIR No. 439 of 13.10.2021, constituting therein offences, under Sections 5/13(2) and 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, and Sections 11, 59, 60 of Prevention of Cruelty to Animals Act, 1960 (Later added 120-B, 420, 467, 468, 471 of IPC), is registered against the present bail applicant - petitioner, at Police Station Sadar Nuh, District Nuh.

Learned State Counsel vehemently opposes the grant of anticipatory bail to the bail applicant. He submits that since the afore enactment is made to protect the animals from any cruelty being meted to them. Consequently, he submits that also since the maximum term of imprisonment as prescribed, for the breach of the afore, is a term of seven years. In sequel, he submits, that the facility of anticipatory bail cannot be granted to the bail applicant-accused. However, the afore submission is not acceptable to this Court, given his further submitting, that none of the

animal(s) illegally transported in the vehicle owned by the bail applicant –

petitioner, has been put to any physical harm. Since he also submits, that all the animals illegally transported in the vehicle, by the accused, are lodged in a Gauvansh, and, where the fullest care is being taken to all their needs, and, requirements.

Therefore, this Court does not deem fit to order for the custodial interrogation of the accused, rather grants anticipatory bail to the bail applicant-accused. Consequently, in the event of arrest, the petitioner shall be released, by the Investigation Officer, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before him, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also his appearing before the Investigating Officer concerned, as and when he is required to be making his personal appearance.

Disposed of.

November 03, 2021

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**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>