

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 3916 of 2022
Date of Decision: 01.2.2022**

Wahab Khan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

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

Mr. Pardeep Prakash Chahar, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

(Through video conferencing)

1. In FIR bearing No. 450 of 18.11.2021, offences constituted under Sections 5/13(2), 17 of the Haryana Gauvansh Sanrakshan, and, Gausamvardhan Act, 2015, and, Section 11-59-60 of Prevention of Cruelty to Animals Act, 1960, are embodied. The FIR (supra) is lodged at Police Station Ferozepur Jhirka, District Nuh.

2. The bail applicant-petitioner is the owner of the vehicle wherein, without valid permit, the driver engaged by him, on the truck concerned, was illegally transporting the cattle, from the State of Haryana to the State of Rajasthan.

3. The learned State counsel submits, that though recovery of the cattle has been effected, and, that the cattle have been lodged inside a *Gau Sadan*. However, he submits that the driver, engaged by the bail applicant-petitioner, had meted cruelty to the cattle, carried in the truck concerned.

Consequently, he prays that the facility of anticipatory bail, be not granted to the bail applicant-petitioner, and, rather the bail applicant be put to custodial interrogation.

4. Though, the learned counsel for the petitioner argues that the driver of the truck concerned, has been granted the facility of anticipatory bail, and, also that the bail applicant-petitioner, who is the owner of the truck concerned, did not hold any knowledge with respect to the criminal act, as committed by the driver, engaged by him on the truck concerned.

5. However, the submission that the owner of the truck, who is the bail applicant-petitioner, did not hold any knowledge, with respect to the driver, engaged by him on the offending truck concerned, cannot be accepted, as being owner of the offending truck, and, also his being deemed to verify the logbook, maintained on the truck concerned, he is *prima facie* concomitantly to be fastened with the knowledge of criminal activity, as, committed by the driver, engaged by him, on the truck concerned.

6. Be that as it may, since the offending truck has been seized, and, also when the driver engaged by the bail applicant-petitioner on the truck concerned, has been granted the facility of anticipatory bail. Moreover, when as submitted by the learned State counsel, the cattle who became illegally transported, in the truck concerned, have been lodged in a *Gau Sadan*, where adequate care has been taken about their health, and, well being.

7. Consequently, this Court deems it fit to allow the instant petition. The arresting officer may not arrest the bail applicant-petitioner. However, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, to the satisfaction of the

arresting officer, and, further subject to the abiding by the bail applicant, of the conditions laid down in Section 438 (2) of the Code of Criminal Procedure. The bail applicant shall also give an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering cooperation to the investigating officer.

8. In addition, this Court also deems it fit to direct the bail applicant-petitioner to deposit a sum of Rs. 1100/- per mensem, for two years, towards the care taking, and, the maintenance of the cattle, at the Gau Sadan concerned.

9. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

10. Disposed of.

(SURESHWAR THAKUR)
JUDGE

February 01, 2022
Gurpreet

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