

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

102

CRM-M-5863-2022

Date of Decision : **February 11, 2022**

RAFEEK

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

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

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.32 dated 31.1.2022 under Sections 3/13(1), 8/13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station, Pinangwan, District Nuh.

It has been submitted by the learned counsel for the petitioner that in the present case, the petitioner has been falsely implicated and it is yet to be determined as to whether the confiscated quantity was of beef or of some other animal. He further submitted that the petitioner was not connected with the present offence and, therefore, he may be considered for the grant of anticipatory bail. He further referred to para No.6 of the petition to state that he was earlier involved in two more cases i.e. FIR No. 69 dated 15.3.2008 under Sections 4A/8 and 2/80 CS Act, Police Station Punhana, District Nuh and FIR No. 424 dated 24.12.2021 under Section 174-A IPC registered at Police Station Punhana, District Nuh.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has submitted that he has received an advance copy of the petition and he has instructions to say that the petitioner has concealed

material facts from the Court. He submitted that the petitioner was involved in as much as six more cases and the petitioner has disclosed only two cases in para No.6 of the petition. He has further submitted that the present petition has been filed which is supported by an affidavit of the petitioner and the petitioner was duty bound to have disclosed all the cases pending against him and particularly in view of the fact that in one of the cases he was declared as a proclaimed offender. Learned DAG, Haryana has submitted that in the following five cases, the petitioner was involved which are as under:-

- i) FIR No.69 dated 15.3.2008 under Sections 4A/8 and 2/80 CS Act.
- ii) FIR No.424 dated 24.12.2021 under Section 174-A IPC.
- iii) FIR No.124 dated 17.4.2002 under Sections 4A/8 and 2/80 CS Act.
- iv) FIR No.207 dated 23.6.2003 under Sections 4A/8 and 2/80 CS Act.
- v) FIR No.158 dated 6.5.2005 under Sections 4A/8 and 2/80 CS Act and
- vi) FIR No.72 dated 12.3.2014 under Sections 4A/8 and 2/80 CS Act.

However, at this stage, learned counsel for the petitioner has submitted that the mentioning of the other FIRs was an inadvertent mistake on the part of the petitioner and the petitioner was acquitted in two cases i.e. FIR No.124 dated 17.4.2002 and FIR No.158 dated 6.5.2005.

I have heard the learned counsels for the parties.

The petitioner while filing the anticipatory bail application before this Court which is supported by an affidavit has disclosed that only there are only two FIRs in which he was involved but he did not disclose the other four cases in which the petitioner was involved. At the

time of the arguments, the learned counsel for the petitioner has himself stated that out of four cases mentioned by State counsel today, the petitioner has been acquitted in two cases. However, this Court is of the view that it was the duty of the petitioner to have disclosed all the cases in which the petitioner was earlier involved and status thereof including acquittal. It is a settled law that anybody who comes to the Court has to come with clean hands. The remaining two cases i.e. FIR No.207 dated 23.6.2003 and FIR No.72 dated 12.3.2014 have still not been disclosed by the petitioner. Apart from the same, in one of the cases, the petitioner was declared as a proclaimed offender and, therefore, an FIR under Section 174-A IPC was also registered against him.

In view of the above and considering the antecedents and the conduct of the petitioner, the concession of anticipatory bail cannot be granted to the petitioner.

Consequently, the present petition is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

February 11, 2022

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(JASGURPREET SINGH PURI)

JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No