

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 11335 of 2022

Date of Decision: 17.3.2022

Jardesh Channa @ Channa

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Talim Hussain, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. In FIR bearing No. 0189 of 17.11.2021, an offence constituted under Section 13(2) of the Haryana Gauvansh Sanrakshan, and, Gausamvardhan Act, 2015, is embodied. The FIR (supra) is lodged at Police Station Bichhore, District Nuh.

2. The apposite statutory provisions carried in the Act (supra), prohibit the transporting, and, keeping of cattle for the purposes of slaughtering. As per the prosecution case, a cow was found to be kept on the plot of Yusuf son of Sahab, and, after secret information, being given to the investigating officer concerned, a raid was conducted upon the plot of Yusuf, and, from the afore plot, the recovery of a cow, as became kept on the plot of Yusuf, became effected. The afore Yusuf was arrested on the spot, and, during the course of his custodial interrogation, he named the petitioner to be the person, from whom he has brought the cow, to his plot.

Consequently, the prosecution alleges that the petitioner shares a *mens rea*

along with the principal offender (supra), and, they are both hence

conjointly carrying forward their common intention of slaughtering cows.

3. At this stage, since the learned State counsel, on instructions given to him by Sub Inspector Pawan submits, that the cow has been removed from the above site, and, has been lodged inside a *Gau Sadan*, where optimum care giving is being purveyed to her. Therefore, in the face of the above, and, also in the face of the statement made by the learned State counsel, that no physical cruelty is meted upon the cow. Consequently, at this stage, this Court finds that there may be only a *prima facie* attempt on the part of both the accused concerned, to slaughter the cow. However, in sequel, may be the afore offence is not as gross, and, as severe as slaughtering a cow.

4. Furthermore, in view of the above, this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the petitioner-bail applicant, as, thereupons his personal liberty would become unnecessarily fettered, and, curtailed.

5. Nonetheless, at this stage, the learned State counsel submits, that since the bail applicant-petitioner is a habitual offender, thereupon there is every possibility of the bail applicant-petitioner abusing the facility of bail, as may become accorded to him. However, the vigour of the afore made submission, of the learned State Counsel, before this Court, can be mitigated, by imposition of stringent conditions, upon the bail applicant-petitioner.

6. Consequently, the bail applicant-petitioner is admitted to anticipatory bail, and, in the event of his arrest, he may not be arrested by the investigating officer concerned. 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. Furthermore, the bail applicant-

petitioner 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.

7. In addition, in case, the bail applicant-petitioner re-indulges in criminal activities, thereupon, it is open to the investigating officer concerned to forthwith arrest the bail applicant-petitioner, and, thereafter to produce him before the learned Magistrate concerned, for the latter making an order for his being put to judicial custody.

8. 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).

9. Disposed of.

(SURESHWAR THAKUR)
JUDGE

March 17, 2022
Gurpreet

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