

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-14763-2022 (O&M)
Date of Decision:-1.9.2022

Nafish ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Rosi, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana,
assisted by SI Surender Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.68 dated 8.2.2022, Police Station Hodal, District Palwal, under Section 13(2) of Haryana Gauthansh Sanrakshan and Gauthansvardhan Act, 2015, Sections 120-B and 307 of Indian Penal Code and Section 11 of Prevention of Cruelty to Animals Act, 1960.
2. At the time of issuance of notice of motion, the following order was passed on 7.4.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.68 dated 8.2.2022, Police Station Hodal, District Palwal, under Section 13(2) of Haryana Gauthansh Sanrakshan and Gauthansvardhan Act, 2015, Sections 120-B and 307 of Indian

Penal Code and Section 11 of Prevention of Cruelty to Animals Act, 1960.

As per the case of prosecution one Vishnu, member of Gaurakhsha Sewa Samiti, presented a complaint to the police intimating that a 6 tyre truck bearing registration No.HR-56-A-1679 was proceeding from U.P. to Mewat carrying cows illegally. The information was further to the effect that the owner of the vehicle is Mosin and Napis and that its driver is Bilal. Pursuant to receipt of said information, barricading was laid and when the truck bearing registration No.HR-56-A-1679 was noticed, a signal was given to the same to stop the truck but the truck driver tried to run over the truck over the police vehicle. However, the police was able to apprehend the driver of the truck while the other two persons namely Nafis and Mosin managed to escape. Upon search of the truck, it was found to be loaded with 26 cows.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and was never ever apprehended at the spot and that there is no evidence worth credence to connect the petitioner with the alleged recovery of cows.

Notice of motion for 1.9.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, while referring to the reply filed on behalf of the State, has pointed out that in the present case, three police officials were injured.

4. However, upon perusal of the MLRs in respect of the said three police officials, which are annexed with the reply as Annexures R-1, R-2 and R-3, this Court finds that the injuries are described in the nature of complaints of pain. While Mr. Vishnu complains of pain in 2 parts of his body; Mr. Charan Singh complains of pain in 3 parts of his body and Mr. Dharam Singh complains of pain in 2 parts of his body. Such like injuries, in any case, would be simple injuries apart from the fact that the authenticity of the said injuries, which are merely stated to be complaints of pain, will be very difficult to establish. The petitioner otherwise is stated to have joined investigation and is not required for any custodial interrogation. The petitioner is not even stated to be involved in any other case previously.
5. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and he is not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 7.4.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

1.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No