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

CRM-M-17126-2022

Date of decision : 26.04.2022

Rahis

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Arjun Atri, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.83 dated 24.03.2022 registered under Sections 3/13 (1), 8/13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Sections 186/353/34 of the Indian Penal Code, 1860 at Police Station Uttarwar, District Palwal, Haryana.

Learned counsel for the petitioner has submitted that in the present case, after getting the secret information to the effect that the petitioner alongwith other persons are slaughtering the cows in the house of Nadeem, the police party after making full preparation had raided the house of the said Nadeem, from where, the said Nadeem was arrested and recovery of cow meat was effected. It is further submitted that the petitioner was not

arrested at the spot even as per the prosecution version. It is argued that the petitioner has been implicated only on the basis of secret information, in pursuance of which, the police party had come fully prepared but yet the petitioner was not arrested at the spot. It is further argued that recovery has already been effected in the present case and the custodial interrogation of the petitioner is not required. It is also submitted that the petitioner has been falsely implicated in the present case.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and submitted that the petitioner is involved in four other cases, out of which, three cases are under the Act under which the present FIR has been registered.

Learned counsel for the petitioner, in rebuttal to the abovesaid argument, has submitted that the petitioner is on bail in all the said cases and has relied upon the judgment of Hon'ble Supreme Court in ***“Maulana Mohd. Amir Rashadi vs. State of U.P. and another”***, reported as **2012 (2) SCC 382** to contend that the facts and circumstances of the present case are to be seen and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent

cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard the learned counsel for the parties and has perused the paper book.

It is not in dispute that in pursuance of the secret information, the raid was conducted in the house of Nadeem son of Jameel and there, the said Nadeem was arrested and recovery of cow meat was effected. The petitioner was not arrested despite the fact that the police had come to raid the house of said Nadeem after receiving secret information and after having made full preparations for the said raid. It would be a matter of debate that as to whether the petitioner is also involved in a case in which, neither any recovery has been effected from him nor from any premises which are owned by him nor was apprehended at the spot. Moreover, the recovery has already been effected in the present case and no further recovery is to be effected.

Keeping in view the abovesaid facts and circumstances and also in view of law laid down in ***Maulana Mohd. Amir Rashadi's case*** (Supra), the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

It is made clear, in case, the petitioner fails to join the

investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

26.04.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No