

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

211

CRM-M-19549-2022

Date of Decision: 15.09.2022

Mustakim ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Arun Beniwal, DAG, Haryana,
assisted by HC Amar Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.205 dated 2.11.2020, at Police Station Bichhore, District Nuh, Haryana, under Sections 3/13(1), 8/13(3) and 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015.
2. At the time of issuance of notice of motion on 09.05.2022, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.205 dated 2.11.2020, at Police Station Bichhore, District Nuh, Haryana, under Sections 3/13(1), 8/13(3) and 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015.

The FIR was lodged on the basis of secret information received by the police to the effect that the petitioner alongwith co-accused Sehjad, Azad, Ayyub, Nakim and Sabar are engaged in business of slaughtering of cows and sell them in the neighbouring areas on motorcycle. It is the

case of prosecution that pursuant to receipt of said information, the police went to the nominated place where two persons were seen loading cow skins on motorcycles and another two were seen cutting cow meat into small pieces with a knife and an axe; and another two were seen loading cow meat on motorcycles. It is the case of prosecution that the aforesaid persons, upon noticing the police party, tried to flee away and that while Azad and Sehjad were arrested at the spot, the remaining persons managed to escape.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that apart from the FIR, there is no other evidence to connect him with the alleged offence. It has been submitted that since neither the petitioner was arrested at the spot nor any recovery was ever effected from him, he is entitled to grant of anticipatory bail.

Notice of motion for 15.9.2022.

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 upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and also got a knife recovered, but is not fully cooperating inasmuch as he has not disclosed about the source from which cows had been procured. It has also been informed that the petitioner stands involved in 3 more cases.
4. Having regard to the fact that the petitioner has joined investigation and has also got a knife recovered, the petitioner deserves the concession of anticipatory bail. The contention of the learned State counsel that the source from which cows had been procured has not been disclosed

cannot be made a ground for declining grant of anticipatory bail. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 09.05.2022 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.

15.09.2022

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**