

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

101

CRM-M-35807-2022

Date of Decision : **August 18, 2022**

TARIF

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

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.143 dated 19.9.2020 under Sections 279, 332, 336, 353, 186, 307 of IPC and Sections 13(1), 17 of the Haryana Gouvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11-59-60 of Animal Cruelty Act, 1960 and Section 25 of Arms Act, registered at Police Station Dhauj, Faridabad.

The learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated and as per the allegations contained in the FIR, the petitioner alongwith other co-accused were going on a vehicle and when the police party signalled them to stop then they fired 10-15 rounds upon the police party and allegedly the petitioner were carrying cows for slaughtering purpose and thereafter when the vehicle was stopped by puncturing, two empty

cartridges and sharp stones were recovered from the vehicle and apart from the same 6 cows which were tied mercilessly with ropes were also recovered.

However, on the other hand, the learned State counsel has stated that he has received an advance copy of the petition and has also sought instructions from SI Ram Avtar. He submitted that the present petition is not maintainable. He further submitted that the petitioner was earlier also involved in FIR No. 157 dated 16.6.2019 under Sections 279, 336, 427, 285 and 307 IPC and Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 25 of the Arms Act registered at Police Station Sarai Khawaja, District Faridabad. He submitted that more than 2 years have elapsed in that FIR that the petitioner has been absconding and had been rather repeating the offence. He submitted that in the aforesaid FIR, proclamation proceedings have been initiated and now the petitioner has been declared as a proclaimed offender on 12.4.2022. He further submitted that in view of the aforesaid position, the petitioner does not deserve the concession of anticipatory bail. He submitted that even in the present FIR, the petitioner has been absconding for about 2 years and proclamation proceedings have been initiated in the present FIR as well. He further submitted that it is a case where the petitioner alongwith co-accused were taking cows in a vehicle for slaughtering purposes and when they were signalled by the police party they attacked the police party by firing 15-20 shots and in this way the matter was not only serious in nature but it is a fit case where the custodial interrogation of the petitioner is required.

I have heard the learned counsels for the parties.

The petitioner had been absconding in the present case for about 2 years and as per the learned State counsel proclamation proceedings have been initiated against him. Apart from the same, the petitioner is already declared as a proclaimed offender in another FIR No.157 dated 16.6.2019 and as per the learned State counsel the allegation in that FIR was also similar in nature. Apart from the same, the allegations against the petitioner are that the petitioner alongwith other persons had fired 15 to 20 shots upon the police.

In view of the aforesaid facts and circumstances, this Court is of the view that not only that the petitioner is proclaimed offender in other case and the proclamation proceedings have been initiated in the present case but apart from the same the seriousness and gravity of the present offence would disentitle the petitioner for the grant of anticipatory bail.

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.

(JASGURPREET SINGH PURI)
JUDGE

August 18, 2022

ajay-1

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