

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

281

**CRM-M No.40273 of 2022
Date of Decision: 11.10.2022**

Arshad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. Nafees Ahmad Khan, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana
for the respondent-State.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.344 dated 20.08.2022 registered at Police Station Sadar Tauru, District Nuh, under Sections 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (wherein the offences under Sections 5 & 17 of the said Act are stated to have been added later-on), the petitioner has preferred the instant petition for seeking the relief of anticipatory/pre-arrest bail.

2. Bereft of unnecessary details, the allegations, as levelled against the petitioner in the present case, are that on 20.08.2022, the police party, headed by P/SI Sumit, received a secret information to the effect that the petitioner would be transporting the cows to Chaupanki in Rajasthan

for their slaughtering. Then, the police party put up the barricades at the disclosed place and about 15/20 minutes thereafter, they noticed a Pick-Up vehicle, bearing registration No.HR-73-8967, coming from Village Mohammadpur side. On being signalled to stop, the driver of the said vehicle tried to reverse the same and on seeing the police party coming to nab him, he fled away from the spot while leaving the vehicle there and on its search, two cows were found to be loaded in the same and the petitioner was driving this vehicle at that time.

3. Status-report on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, Head Quarter, Nuh, District Nuh, along-with Annexures R-1 to R-3, has been submitted in the Court today and these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the entire version as set-forth in the subject FIR, including the identification of the petitioner as the driver of the said vehicle by the secret informer allegedly accompanying the police party, is highly improbable and the petitioner has been got falsely implicated in this case and in these circumstances, he deserves the relief as prayed for in this petition.

6. Per-contra, learned State counsel argues that the petitioner is the registered owner of the above-said vehicle and he is a habitual offender and it being so, the present petition be dismissed.

7. As regards the probability of the identification of the petitioner by the secret informer as well as the version as put-forth in the FIR, it is pertinent to point it out here that the petitioner is reportedly the registered owner of the said vehicle as seized by the police party from the spot. At this stage, he (petitioner) has not been able to deny the afore-said fact and also to disclose as to who else, except him, was driving this vehicle at the relevant time. Moreover, it has categorically been deposed in para No.6 of the Status-report that besides the instant case, the petitioner is involved in one more criminal case of the similar nature.

8. Keeping in view the above-discussed facts and circumstances as well as the nature of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory/pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

9. However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

11.10.2022
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>