

**(103) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-48182-2022 (O&M)

Date of Decision: 18.10.2022

ANSAR

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Rosi, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail in case bearing FIR No.342 dated 07.09.2022 (Annexure P-1) registered under Sections 13(2) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of Prevention of Cruelty to Animals Act, 1960 and Section 120-B of IPC with Police Station Ferozepur Jhirka, District Nuh.

2. The brief facts of the case are that while the police party was on patrolling duty Gaurakshak group members, Rinku son of Birju and Jitendra son of Rupchand informed that Guddu Singh, Raju and Ansar (petitioner) did the business of cow slaughtering and were coming on a Tata Vehicle bearing No.RJ-11-GB-5090 and would take cows from Uttar Pradesh to Rajasthan for cow slaughtering. If barricading was done then they could be apprehended. Based on the information barricading was done and after some time a vehicle was seen coming from the Beema side. On being stopped, the driver started turning his vehicle back but could not do so due to less space. On seeing the

police party coming towards the vehicle, one person from the driver side window and two persons from the conductor side window ran towards the mountain side. One person was apprehended and two persons were able to run away taking advantage of the topography. On being asked the arrested person revealed his name as Guddu Singh and the person who was running away after coming out from the conductor side was named as Ansar (petitioner). The person running away from the driver side was stated to be Raju. On checking the vehicle, the body of 09 cows and 03 bulls were found inside.

Based on the aforementioned allegations, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that the petitioner was not arrested at the spot. In fact, he is innocent and has not committed any offence. The co-accused Ram Niwas has been granted the concession of interim bail by the Trial Court vide order dated 27.09.2022 (Annexure P-3). The petitioner is ready and willing to join investigation and there is no apprehension of the petitioner absconding or tampering with the evidence in case he is granted the concession of anticipatory bail. So far as the other cases against the petitioner are concerned, he is on bail in all cases and therefore, he is entitled to the grant of anticipatory bail in the present case as well.

4. On the other hand, the learned State counsel contends that the petitioner was one of the occupants of the truck which was carrying cows for slaughtering. His name figures in the secret information leading to the registration of the FIR as also in the statement of Guddu Singh, who was

arrested at the spot. The petitioner was involved in four other cases of identical nature and was declared a proclaimed offender in one case bearing FIR No.142 dated 28.03.2021 under Section 174(A) IPC. The petitioner has furnished a false affidavit on 07.10.2022 showing his ignorance of his earlier being declared a proclaimed offender. He thus contends that the petitioner does not deserve the concession of anticipatory bail looking at the allegations as also his antecedents.

5. I have heard the learned counsel for the parties at length.

6. Admittedly, the petitioner is named in the secret information which culminated in the registration of the FIR. The co-accused Guddu Singh who was arrested also disclosed the name of the petitioner and one Raju. The petitioner is involved in four other cases of identical nature. Above all, he has been declared a proclaimed person in one of those cases and has furnished a false affidavit in that regard. The case of the co-accused Ram Niwas is different from that of the petitioner as the said Ram Niwas was not present at the spot at the time of the commission of the offence. Therefore, the petitioner cannot claim parity in any manner.

7. In view of the above no case is made out for the grant of anticipatory bail to the petitioner.

8. Accordingly, the present petition is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

18.10.2022

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No