

CRM-M-57205 of 2022

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

CRM-M-57205 of 2022
Date of decision: 08.12.2022

Mustak

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Rosi, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.364 dated 04.09.2022 under Sections 13(1) and 13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Sadar Tauru, District Nuh.

As per the case of the prosecution on 04.09.2022, Sub-Inspector Dashrath Kumar along with other police officials was on patrolling duty. Himanshu Jindal informed the police that petitioner Mustak and co-accused Rijwan were selling beef in a vacant plot of Akbar. Police conducted raid. On seeing the police party, petitioner and co-accused managed to flee away. 55 kilograms of beef, weights, weighing scale, one

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axe and plastic bag were recovered. Thus, FIR in question was registered.

Learned counsel for the petitioner submits that the petitioner was identified only by Himanshu Jindal. Petitioner is not involved in any other case. He is ready and willing to join the investigation, therefore, he may be granted the concession of anticipatory bail.

Per contra, learned State counsel submits that the petitioner has been identified by private person, namely, Himanshu Jindal, who firstly informed the police and thereafter identified him at the spot and huge quantity of beef was recovered from the spot. She submits that keeping in view the seriousness of allegations levelled against the petitioner he is not entitled for grant of pre-arrest bail.

As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

There are specific allegations against the petitioner, which are serious in nature. Curtailing of his freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses.

In view of the peculiar facts and circumstances of the case, I am of the considered view that petitioner cannot prima facie be said to have been falsely enroped in the crime and his custodial interrogation is necessary in this case and that petitioner is likely to abscond and misuse his

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liberty and, therefore, does not deserve grant of anticipatory bail.

In view of the above, the petition is dismissed.

08.12.2022
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No