

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

SR. No.202

CRM-M-11541-2023
Date of decision:05.07.2023

Yahya

...Petitioner

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr.Rohit Chaudhary, Advocate for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana.

N.S. SHEKHAWAT, J.

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant of anticipatory bail to him in case FIR No.25 dated 14.01.2023 registered under Sections 3/13(1) and 8/13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (hereinafter referred to as the Act) at Police Station Sadar Nuh, District Nuh.

2. The FIR in the present case was registered on the basis of statement made by complainant, namely, SI Satyanarayan. As per the complainant, he was present along with other police officials for patrolling duty and in the meantime, a secret informer informed that Mustakeen and petitioner Yahya, both sons of Sabu, were selling beef in their house. If a raid was conducted, they could be apprehended at the spot.

Believing the said information, a raiding team was prepared and house of the petitioner and his brother Mustakeen was raided. On seeing the police party, Mustakeen as well as the petitioner ran away from the spot from the roof of their house. However, 130 kg beef, two knives and one electronic weighing machine were recovered from the spot and the same were taken into possession by the police. As a consequence, the present case was registered against the petitioner and his brother Mustakeen.

3. Learned counsel for the petitioner argued that FIR in the present case was registered on the basis of a secret information. He further contended that as the alleged recovery of beef weighing 130 kg, two knives and electronic weight machine were already effected from the house of the petitioner, hence his custodial interrogation is not required by the police. Even the petitioner was not apprehended at the spot and thus his involvement in the present case was debatable.

4. A short reply by way of affidavit of Mr. Surender Kumar, DSP, Headquarters, Nuh, has been filed in the Court today and the same is taken on record.

5. Learned counsel for the State submitted that 130 kg beef, two knives and one electronic weighing machine were recovered from the house of the petitioner. The petitioner was specifically named in the present FIR. He had committed a serious crime and his intensive interrogation is required to unearth the sources of supply of cows and the sale points of beef. Even from the recovery, it is apparent that the petitioner was involved in an illegal business at a large level and his custodial interrogation is required to find out

the names of his accomplices, the manner in which the crime was committed and other persons, who are also involved in selling the beef further.

6. I have heard the learned counsel for the parties and perused the record with their able assistance.

7. Keeping in view a steep rise in the cases of cows’ slaughter in the State of Haryana, the State Legislature had enacted the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 to establish the institution to accept, keep, maintain and care infirm, injured, stray and uneconomic cows in the State of Haryana. Apart from that, it had prohibited the cows’ slaughter and the sale of beef in the State of Haryana. Section 3 of the Act prohibits the cows’ slaughter within the jurisdiction of the State of Haryana. Section 8 of the Act prohibits the sale of beef. As per Section 13(1) of the Act provides for punishment for committing the offences in this regard and the same is reproduced as below:-

“13. (1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 3 or 4 shall be guilty of an offence punishable with rigorous imprisonment for a term which shall not be less than three years and may extend to ten years and fine which shall not be less than thirty thousand rupees and may extend to one lac rupees. In case of default in payment of fine, additional imprisonment, which may extend to one year, may be imposed in lieu of the fine.

13. (2) XXX XXX XXX XXX
13. (3) XXX XXX XXX XXX”

8. From a bare perusal of the above-referred provisions of the Act, it is apparent that the Legislature had enacted very stringent provisions in the statute book to curb the menace of cows’ slaughter in the State of Haryana.

named in the present FIR. It is also evident that a huge quantity of 130 kg of beef was recovered from the house of the petitioner and thus, his custodial interrogation would be required to elicit the more information from him with regard to involvement of other persons, sale points and other aspects of the crime.

9. In view of the above, the present petition is ordered to be dismissed.

05.07.2023
mks

(N.S. SHEKHAWAT)
JUDGE