

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

CRM-M-13472-2023 (O&M)
Date of Decision: 17.03.2023

Sunim

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. B.S. Virk, Deputy Advocate General, Haryana.

Rajesh Bhardwaj, J.

The petitioner has approached this Court praying for grant of anticipatory bail in a case FIR No.408, dated 09.12.2021, registered under Sections 3, 13 (1) and 13 (13) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (Sections 411, 420, 201 IPC were added lateron), at Police Station Punhana, District Nuh. (Sections 420 is wrongly mentioned in the order, it is Section 412, which is added in present FIR).

As per facts of the case, on 09.12.2021 the Police received a secret information that Hussaindin, Yusuf, Sarfu, Sahun, Sunim alias Bakra (petitioner) are indulged in the business of cow slaughter and they are slaughtering the cows near the drain of Luhinga Kalan village. If the raid is conducted, they can be caught red handed. On receiving the secret information the police party rushed to the informed place and spotted five persons coming on motorcycles. Two accused, namely, Hussaindin and Yusuf were arrested and the motorcycle without number was also recovered, whereas, the rest of the accused including the petitioner managed to escape taking the advantage of crowd. From the motorcycle, 40-45 Kgs of fresh cow meat and an axe and a knife were recovered from one

motorcycle and from another motorcycle without number 25-30 kgs fresh cow meat and a weighing scale were recovered. A formal FIR was registered and the investigation commenced. The Police made efforts to arrest the petitioner, but could not arrest him till date. Apprehending arrest the petitioner approached the Court of learned Sessions Judge, Nuh praying for grant of anticipatory bail, however, the learned Sessions Judge, after hearing both the sides, declined the same vide order dated 20.02.2023. Aggrieved by the same, the petitioner approached this Court praying for grant of anticipatory bail.

It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. She submits that as per the case of the prosecution, out of five accused, two accused were arrested on the spot, whereas, rest three accused managed to escape. She submits that the petitioner has been named in the FIR on the disclosure statement of the co-accused, which is not admissible evidence. She submits that the petitioner has not been declared proclaimed offender. She submits that false implication of the petitioner is writ large and thus, he deserves to be granted anticipatory bail.

Heard.

Evidently, the raid was conducted by the Police party on 09.12.2021 on the basis of secret information received. Secret information received specifically named the petitioner carrying out a business of cow slaughtering, however, at the time of raid the police could nab only two of the accused and rest three accused including the petitioner managed to escape. Besides this, the motorcycle used by the accused was also recovered. The petitioner escaped from the scene of occurrence taking

advantage of the crowd. The fresh beef weighing 40-45 kgs, an axe and a knife were recovered from one motorcycle, while 25-30 Kgs fresh beef and a weighing scale were recovered from another motorcycle. As is apparent from the record, the petitioner is at large from the last about two years.

Hon'ble the Supreme Court in **State represented by CBI Vs.**

Anil Sharma, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

The Hon'ble Apex Court in plethora of judicial precedents has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which can be exercised in the extraordinary circumstances.

Weighing the facts and circumstances of the case on the anvil of law settled, this Court is of the opinion that the petitioner do not qualify for exercising the extraordinary power by this Court in their favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

17.03.2023
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No

(RAJESH BHARDWAJ)
JUDGE