

CRM-M-24523 of 2023

2023:PHHC:070610

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

CRM-M-24523 of 2023

Date of decision: 15.05.2023

Jamil @ Jameel Ahmed

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

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

Ms. Gaganpreet Kaur, DAG, Haryana.

**NAMIT KUMAR, J.**

1. This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.213 dated 19.04.2023 under Sections 3, 13(1) and 13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Sadar Nuh, District Nuh.

2. Brief facts of the case are that on 19.04.2023, police received a secret information that three persons, namely, Azad son of Jamil, Jamil (present petitioner) son of Latif and Haroon son of Nijjar were slaughtering cow near hills of village Rehna. On the basis of secret information, a raid was conducted at the place disclosed by the secret informer. Three persons were seen cutting beef with knife and axe. On seeing the police party, the said persons left the knife and axe

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and managed to flee. The police party chased them but they could not be apprehended. The said persons were identified by the secret informer as Jamil (present petitioner) son of Latif, Haroon son of Nijjar and Azad son of Jamil. One slaughtered cow, 150 kilograms beef, two knives, one axe etc., were recovered from the spot.

3. Learned counsel for the petitioner contended that the petitioner is innocent and has been falsely implicated in the present case as he has not committed any offence. She further submitted that nothing is to be recovered from the petitioner, therefore, custodial interrogation of the petitioner is not required. She further submitted that petitioner is ready and willing to join the investigation.

4. *Per contra*, learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner by stating that petitioner is specifically named in the FIR, therefore, his custodial interrogation is necessary. She further submits that name of the petitioner along with co-accused was disclosed by the secret informer prior to raid. However, they managed to flee away from the spot and were identified by the secret informer. She also submitted that petitioner was involved in one more case of similar nature i.e. FIR No.154 dated 26.06.2018 under Sections 4A/8, 2/80 of the Cow Slaughtering Act, registered at Police Station Tauru.

5. To rebut the contention of learned State counsel, learned counsel for the petitioner submitted that petitioner has been acquitted in the said case.

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6. I have heard learned counsel for the parties and perused the record.

7. 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.

8. In ***Bal Krishan Fauzdar v. State of Haryana 2018 (1) RCR Criminal 789***, it is held by a Co-ordinate Bench of this Court in para No. 8 as under: -

*“.....It is well settled that custodial interrogation is more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge which would be inculpatory for him. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.”*

9. There are specific allegations against the petitioner that he along with his co-accused was slaughtering cow and on seeing the police party all the accused ran away from the spot and they were identified by the secret informer. Therefore, petitioner does not deserve the concession of anticipatory bail as his custodial interrogation

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10. In view of the above, present petition is dismissed.

11. Nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

15.05.2023  
R.S.

**(NAMIT KUMAR)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No