

218 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 41841 of 2023
Date of Decision: 19.09.2023

ALIM

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.Arjun Attri, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
162	23.07.2023	3/13(1), 8/13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015	Pinangwa, District Nuh, Haryana

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner was neither present at the spot nor any recovery from his house has been effected, and the police has planted a false case against the petitioner. He submits that petitioner is ready to join the

investigation and as such he prayed for concession of anticipatory bail to the petitioner.

3. *Per contra*, the learned State counsel has assailed these arguments, by submitting that the present case was registered on the basis of secret information to the effect that the present petitioner along with one Isab were indulged in cutting cows by knife at his house, and if, raid is conducted they can be apprehended. He submits that raid was conducted at the house of the petitioner, both petitioner and Isab ran away from the spot, however, the police recovered 102 kgs of fresh cow beef along with knife, axe and electric weighing scale. He submits that earlier also the petitioner had been involved in similar offence in 2022 in FIR No. 48 dated 21.02.2022 under Sections 3/13(1), 8/13(3), 17 HGS and GS Act, registered at Police Station Pinangwan and the custodial interrogation of the petitioner is required, hence he prayed for dismissal of the bail application.

4. Considering the rival contentions and perusing the record, it transpires that instant FIR was registered on the basis of secret information and consequent raid on the house of the petitioner, alleged recovery of 102 kgs of fresh cow beef along with knife, axe and electric weighing scale was made. However, the petitioner and the co-accused Isab ran away. It is also specifically mentioned in the reply submitted by the State that at the time of raid the petitioner was holding skin of cow, while Isab was cutting beef by knife. Admittedly, another case of similar nature bearing FIR No. 48 dated 21.02.2022 at Police Station Pinangwan is also registered. The petitioner, specifically named in the FIR, therefore, no case for grant of anticipatory bail in favour of the petitioner is being made out, as his custodial

interrogation is required.

5. Thus, considering the serious nature and gravity of offence, finding no case being made out in favour of petitioner for grant of anticipatory bail, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

19.09.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |