

224(2) **IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CRM M-5579-2024 (O&M)**  
**Date of Decision: 18.03.2024**

Waseem Khan

..... Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Intizar Ul Hasan, Advocate,  
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

**MAHABIR SINGH SINDHU. J.**

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No. 612 dated 14.11.2023 registered under Sections 186, 279, 353, 307, 429 & 336 IPC, Section 25 of Arms Act, 1959 and Section 13(2) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, at Police Station, Tosham, District Bhiwani.

2. Status report dated 14.02.2024 by way of affidavit of Sh. Jai Bhagwan, HPS, Deputy Superintendent of Police, Siwani, Bhiwani filed on behalf of respondent-State is taken on record. Registry to tag the same at appropriate place.

3. Learned counsel contends that petitioner has been falsely implicated in the present case merely on the basis of disclosure made by co-accused-Aakib Javed. Also contends that there is no specific role attributed to the petitioner and he is ready to join the investigation.

4. *Per contra*, learned State counsel opposed the prayer while submitting that petitioner was following the truck containing 16 cows in his Brezza car and the same is yet to be recovered. Also submits that petitioner has actively participated in the commission of crime; thus, his custodial interrogation is necessary.

5. Heard learned counsel for the parties and perused the paper-book.

6. Precisely, the allegations are that co-accused, namely, AakibJaved and Iqbal were carrying 16 cattle heads, including 08 cows in canter bearing No. HR-74-B-8480 and as per disclosure of Aakib Javed, Wasem Khan-petitioner was following the same in his Brezza car. Although, disclosure *per se* is not admissible, but since allegations are very serious, therefore, his custodial interrogation would be required for recovery of the alleged car.

7. In view of the above, this Court is not inclined to accept the pre-arrest bail application. Thus, the same is dismissed.

8. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Pending criminal misc. application(s), if any, shall also stand disposed off.

18.03.2024  
SN

(MAHABIR SINGH SINDHU)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether Reportable: Yes/No