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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(215)

CRM-M-8706-2024 (O & M)
Date of decision:17.07.2024

Sirajuddin Petitioner
V/s
State of Haryana ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nafees Ahmad Khan, Advocate,
for the petitioner.
Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.333 dated 23.06.2023 under Sections 3, 13(1) of the Haryana Gaurvansh Sanrakshan and Gausamvardhan Act, 2015 (later on changed to Section 5/13(2) of the Haryana Gaurvansh Sanrakshan and Gausamvardhan Act, 2015), registered at Police Station Sadar Nuh, District Nuh.

2. The present FIR came to be registered at the instance of the investigating agency and reads as under:-

“To, SHO, Police Station Sadar Nuh, Jai Hind. Today I HC alongwith ESI Satbir No.603, Constable Manish 3/334 HAP in official vehicle bearing registration No. HR-27GV-7112 Bolero being driven by EHC Sukhchian Singh No.2/31 with laptop printer were present at Bridge of canal at Nuh Palwal Road for patrolling then an informer met and gave information that Jamaluddin son of Saukat, Sirajuddin son of Guldeen, Habin son of Hazi Gugga, residents of Ghasera are doing work of cow slaughtering. Today also, three persons have tied three cows in



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Kikkar Trees on Ghasera Bajarka road for slaughtering. These will be taken from Village Nuh Rehna Pahad Wal to Chuaharpur Rajasthan for slaughtering. If they be nabbed by reaching there, then accused persons with cows can be apprehended red handed. On considering information as true, passerbyes passing on Bridge of Canal at Nuh Palwal Road were asked to join the raiding party but everyone went away by showing their helplessness. After telling the information to the official companions, we reached at the place disclosed by informer then three persons were seen tying the cows in kikar trees. Three persons on seeing the police party, ran away towards Kikars by leaving cows there. I, HC with the help of official companions tried to nab them but these three persons succeeded in running away by getting benefit of Kikkars and did not trace out. Informer identified the runners as Jamaluddin son of Saukat, Sirajuddin son of Guldeen, Habin son of Hazi Gugga, residents of Ghasera. On coming back on the spot, three cows were found tied with rope with Kikar tree. On that, I HC Neutral Chat-2024 took photographs from my personal phone. Thereafter, ropes were removed from cows and took above mentioned three recovered cows into police custody vide seizure memo upon which witnesses put their respective signatures. Accused Jamaluddin son of Saukat, Sirajuddin son of Guldeen. Habin son of Hazi Gugga, residents of Ghasera have committed an offence under Section 3/13(1) HGS GS Act by tying the cows with rope for taking the same from Haryana State to Rajasthan State for slaughtering”.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No offence as alleged was made out. No recovery of any weapon was effected from the spot. The petitioner had sought the concession of anticipatory bail in case

FIR No.333 of 23.06.2023 under Sections 5/13(2), 17 HGS Act & GS Act,



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Police Station Sadar Nuh (present case) and was granted interim bail by the Court of Additional Sessions Judge, Nuh. However, as yet another case of a similar nature had been registered against him, he was unable to join the investigation because of which his bail application came to be dismissed. As the petitioner was ready and willing to join the investigation, he was entitled to the concession of anticipatory bail.

4. The learned counsel for the State, on the other hand, has filed a status report by way of an affidavit of Surender Kumar, HPS, Deputy Superintendent of Police, Nuh, dated 10.07.2024 which is taken on record. While referring to the said status report, he contends that FIR No.433 dated 24.08.2016 under Sections 3/13(1), 8/13(3) HGS & GS Act, 2015, Police Station Nuh and FIR No.376 dated 15.07.2023 under Sections 3/13(1), 8/13(3) HGS & GS Act, 2015, Police Station Sadar Nuh, have been registered against the petitioner whereby the allegations were identical in nature. In fact, in FIR No.376 dated 15.07.2023, he had sought the concession of anticipatory bail but ultimately withdrew his petition vide order dated 21.03.2024 passed in CRM-M-8533-2024. There were two other cases of a similar nature registered against him, though, in the said two cases, he had been acquitted. Therefore, keeping in view the nature of the allegations levelled against the petitioner as also the fact that he was a hardened criminal with multiple cases of a similar nature, he was not entitled to the concession of anticipatory bail.

5. I have heard the learned counsel for the parties.

6. A perusal of the FIR would reveal that specific allegations have been levelled against the petitioner. He is stated to have run away from the spot. He was granted the concession of interim bail in case FIR No.333



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dated 23.06.2023 (present case) but did not join the investigation on account of another FIR bearing No.376 dated 15.07.2023 registered against him. In the aforesaid FIR No.376 dated 15.07.2023, the petitioner sought the concession of anticipatory bail but withdrew the same on 21.03.2024. Not only are there two cases of a similar nature registered against him, there were two other cases, that too of a similar nature, though, he has been acquitted in those two cases. Keeping in view the nature of the allegations levelled against the petitioner as also the fact he is a hardened criminal, his custodial interrogation is certainly necessary and therefore, he is not entitled to the concession of anticipatory bail.

7. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

8. However, it is made clear that the observations made in this order are only for the purpose of deciding this bail application and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

(JASJIT SINGH BEDI)
JUDGE

July 17, 2024
sukhpreet

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No