

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11429-2024(O&M)
Date of decision: 30.05.2024

Sarif

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Munfaid Khan, Advocate for the petitioner.
Mr. Vikram Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present first petition has been filed under Section 438 of Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.180 dated 5.09.2021, under Section 307 read with Section 34 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 and Section 17 (1) of the Haryana Govansh Sanrakshan & Gosamvardhan Act, 2015, registered at Police Station Dhauj, Disrict Faridabad.

(2) Allegations are that co-accused of the petitioner opened fire on the complainant party when they were apprehended while smuggling the cows for purpose of slaughtering in vehicle make TATA 407. Petitioner’s name surfaced in the disclosure made by co-accused-Shahib @ Khubbi.

(3) Status report dated 05.04.2024 by way of an affidavit of Mahesh Kumar, HPS, Assistant Commissioner of Police, Mujesar, Faridabad has been filed on behalf of the respondent-State, which is taken on record. Copy supplied to the other side. Registry to tag the same at appropriate place.

(4) Contends that petitioner has been falsely implicated in the present case and he was not named in the FIR; rather nominated on the disclosure made by co-accused-Shahid @ Khubbi. Also contends that no role is attributed to the petitioner.



- (5) *Per contra*, learned State counsel has vehemently opposed the prayer of the petitioner and submits that investigation against the petitioner is still going on. He further submits that petitioner is facing two more cases bearing FIR No. 212/2019, P.S. Bahin and FIR No. 97/2015 of Nagnau, District Alwar (Rajasthan) of the similar nature and in case, he is granted pre-arrest bail, there is every likelihood that petitioner will hamper the ongoing interrogation.
- (6) Heard learned counsel for both sides and perused the paper book.
- (7) Perusal of the status report dated 05.04.2024 reveals that two other cases of similar nature are pending against the petitioner. In the present case also, *prima facie*, it appears that petitioner alongwith co-accused actively participated in the commission of crime. Thus, keeping in view the gravity of offence, custodial interrogation of the petitioner is very much necessary to recover the vehicle TATA 407 involved in smuggling of cows.
- (8) As a result of the above, this Court is not inclined to grant pre-arrest bail to the petitioner.
- (9) Petition is dismissed, accordingly.
- (10) The observations made above be not construed as an expression of opinion on merits of the case; rather confined only to decide the present petition.
- (11) Pending application(s), if any, shall also stand disposed off.

30.05.2024
Harish Kumar/v

(MAHABIR SINGH SINDHU)
JUDGE

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