



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CRM-M-29724-2024 (O&M)
Date of decision: July 4th, 2024

Guldin @ Guldeen

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nafeesh Ahmed, Advocate
for the applicant-petitioner.

MANJARI NEHRU KAUL, J. (ORAL)**CRM-26274-2024**

Prayer in this application is for placing on record the copy
of Special Power of Attorney as Annexure P-4.

Application is allowed subject to just exceptions.

Annexure P-4 is taken on record.

CRM-M-29724-2024 (O&M)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.63 dated 23.02.2024 under Sections 13(2), 17 of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 11 of the Prevention of Cruelty to Animals Act, 1960, Section 3(2)(e) of Prevention of Damage to Public Property Act, 1984 and Sections 279, 336, 429, 304-A, 120-B of the IPC, registered at Police Station Ferozpur Jhirka, District Nuh Mewat.

2. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case in hand, which is

evident from the fact that he has clean antecedents as he is not involved

in any other criminal case of similar nature.

3. Notice of motion.

4. On the asking of the Court, Mr. Rahul Mohan, Senior Deputy Advocate General, Haryana, accepts notice on behalf of the respondent.

5. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the learned counsel for the petitioner. It has been submitted that the petitioner has not approached this Court with clean hands, as he has withheld information regarding his involvement in another case i.e. FIR No.145 dated 08.04.2023 registered under Sections 5 of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, at Police Station Hathin, Palwal. Furthermore, learned counsel for the State, on instructions, has asserted that the petitioner has misused the concession of bail granted to him in a previous criminal case by being involved in yet another similar offence. It has been argued that the police had received specific secret information about the involvement of the accused in cow slaughter; upon interception, the driver of a vehicle (belonging to the petitioner) carrying 26 brutally tied cattle, along with some dead corpses, attempted to flee but crashed into an electricity pole, causing the vehicle to overturn. Learned State counsel has thus argued that since the vehicle belongs to the petitioner, it indicated his direct and active participation in the crime. Therefore, the petitioner being a habitual offender, coupled with the factum of concealment of his criminal antecedents, does not deserve the extraordinary concession of anticipatory bail.

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

relevant material on record.

7. *Prima facie*, the involvement of the petitioner for the offences alleged cannot be ruled out; the vehicle in which the cattle along with some dead corpses were being transported belongs to the petitioner and it has not been disputed that the driver of the vehicle was an employee of the petitioner. It is also *prime facie* evident that the petitioner is a habitual offender, who has misused the concession of bail granted earlier to him for a similar offence.

8. In the facts and circumstances as enumerated hereinabove, the petitioner does not deserve the extraordinary concession of anticipatory bail.

9. The instant petition, therefore, stands dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 4th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No