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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-29899-2024

DATE OF DECISION: 14.06.2024

MUBARIK

...PETITIONER

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. U.M. Khan, Advocate for the petitioner(s).
Mr. S.S. Pannu, Addl. A.G, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.219 dated 03.06.2024 registered under Sections 5(13), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhar Act, 2015, Sections 11-59-60 of Prevention of Cruelty to Animal Act, 1960 and under Section 120-B of IPC registered at Police Station Ferozepur Jhirka, District Nuh.

2. Learned counsel for the petitioner submits that he has been falsely implicated in the present case. The contention of the present petitioner is that he was not present at the spot and was 20 km away in his village Tuseni and no recovery is effected from the petitioner. He further asserts that the fact that he was present 20 km away in the village away from the place of occurrence the same can be verified after seeing the location tower of his mobile No.93506-13302.



3. Having put on advance notice with copy of the petition, learned State Counsel appears on behalf of the respondent seeks dismissal of the instant petition urging that the petitioner was driver of the offending vehicle i.e. Pick up with fake registration number plate on it and from the said vehicle three bulls were recovered in a very bad condition which were taken for the purpose of slaughtering. He further asserts that the petitioner is a habitual offender who is involved in other FIR No. 29 dated 22.01.2022 registered at P.S. Punhana.

4. Having regard to the afore-said facts and also the argument that the instant FIR is alleged to have been recorded on the basis of secret information, this Court cannot lose sight of the facts that the petitioner was driver of the offending vehicle and as per the prosecution version narrated in the FIR, he ran away from the spot leaving the pick up at that place with the fake registration number i.e. RJ-40-GA-3503 in the place of original registration No. i.e. HR-40-GA-3503.

5. Considering the facts that the petitioner is a habitual offender and was using the vehicle with fake registration number in which the animals were transported in a bad condition with mouth and feet tied with ropes in a cruel manner.

6. Another last aspect that counsel for the petitioner has argued that the petitioner was not present at the spot and was actually present at his home in village Tuseni which is 20 km away from the place of occurrence which is a matter of evidence which is yet to be



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recorded before the Trial Court but prima facie the said issue at this stage of anticipatory bail i.e. distance of 20 km from the spot of occurrence cannot be fatal and anyone can reach at 20 km distance in just 20 minutes.

7. In view of the nature of allegations and the conduct of the petitioner who is a habitual offender and is involved in more than one case of similar nature does not deserve the concession of bail at this stage wherein the custodial interrogation is must to trace the modus operandi of the place where the said animals were being transported. The petitioner also failed to produce necessary permit as stipulated under Section 6 of the The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015.

8. In view of the above, the petition is dismissed devoid of merits.

(SANDEEP MOUDGIL)
JUDGE

14.06.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>