

2024:PHHC:081328



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

208

CRM-M No.30408 of 2024
Date of decision: 01.07.2024

Saif Ali ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Aazam Khan, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 of Cr.P.C. seeking pre arrest bail in case arising out of FIR No.136 dated 09.05.2024 registered under Sections 3, 8, 13 (1) & (3) and 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (For short “Act, 2015”) and Section 120-B of IPC (later on Section 201 of IPC was added) at Police Station Sadar Tauru, District Nuh (Haryana).

2024:PHHC:081328



2. Brief facts of the case relevant for the purpose of disposal of the present petition are that on 09.05.2024, on receipt of a secret information that the accused Sagru, Jafru and Behara along with some other person who were indulged in the business of cow slaughtering were making preparation for slaughtering cows in the area of Sehlaka hills, by taking cows in a pick up vehicle bearing registration No.HR-74-B-9095, which was being driven by the accused Behara and they could be apprehended if raided. Believing the secret information to be true, a raiding party was formed which rushed towards the informed place and on reaching near Sehlaka hills, one pick up vehicle was shown running in the rough way of the hills. The secret informer who was accompanying the police party identified the driver of the said vehicle as accused Behara. On reaching at the informed place, they found 4-5 persons who on seeing the police officials tried to flee. Three of them were apprehended and disclosed their names as Shokeen, Tahir and Lahik Ahmed and also disclosed the names of the two persons who had managed to flee as Sagru and Jafru. On making search, two motor cycles, 125 kgs of fresh beef and remains of the cow and skin along with tail were found lying at the spot which were taken into custody. One knife, one axe, one piece of wood and rope etc. were also recovered from the spot. One of the motorcycle kept at the spot was not bearing any number.

A case under Sections 3, 8, 13 (1) & (3) and 17 of Act, 2015 and Section

2024:PHHC:081328



120-B of IPC was registered. Investigation proceedings have been initiated and are underway. The present petitioner had moved an application for grant of pre arrest bail while apprehending his arrest, which had been dismissed by the Additional Sessions Judge/Vacation Judge, Nuh on 14.06.2024.

3. It is submitted by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR nor he was apprehended from the spot. Even his vehicle has not been apprehended from the spot. It was due to party fraction in the village that he had been wrongly involved in this case on the basis of disclosure statement of the co-accused and his vehicle has been taken from his house. No recovery is to be effected from him. His custodial interrogation is not required. No useful purpose would be served by detaining him in custody. Therefore, it is urged that the petition deserves to be allowed.

4. Per contra, it is argued by learned State counsel that there are serious allegations against the petitioner as in connivance with the co-accused, some of whom have already been arrested, he used his vehicle bearing registration No.HR-74-B-9095 for the purpose of slaughtering of cows in the Sehlaka hills area. Being owner of the said vehicle, he could not be presumed to be innocent. Moreover, he has been named by the one of the co-accused in his disclosure statement. His custodial interrogation

2024:PHHC:081328



is required for conducting proper investigation in the matter by the police. Even otherwise, no extraordinary circumstance has been made out. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. As per the allegations, the co-accused Lahik Ahmed who was arrested from the spot and suffered a disclosure statement that the pick up vehicle bearing No.HR-74-B-9095 which was admittedly owned by the petitioner was used for the purpose of transporting cows in the Sehlaka hills area which had been slaughtered. The slaughtered beef weighing about 125 kg was recovered from the spot. The vehicle of the petitioner has been recovered. However, no extraordinary or sparing circumstance has been made out warranting exercise of powers under Section 438 of Cr.P.C. in this case. It is well settled that the custodial interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also material which would have been concealed. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. keeping in view the nature of the offence alleged to have been committed by the petitioner, the quantum of sentence which the

2024:PHHC:081328



conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case,, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

01.07.2024

manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No