



CRM-M-38134 of 2024 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-38134 of 2024 (O&M)
Date of Decision: 07.08.2024

Khurshid @ Khursid

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Rosi, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Manisha Batra, J.(Oral)

1. Though the instant petition filed under Section 438 of the Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.81 dated 25.03.2024 under Sections 13(1) & 13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Sadar Tauru, District Nuh.

2. The allegations levelled in the FIR are that on 28.03.2024, a police party headed by SI Balbir Singh was present at Pachgaon Road, Tauru when a secret information was received to the effect that the petitioner along with co-accused was engaged in the business of cow slaughtering and at that point of time, he along with co-accused was slaughtering cows in the courtyard of house of accused Arshad and was packing the beef for the purpose of selling the same. It was also informed

that they could be apprehended if raided immediately. A raiding party was

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formed which rushed towards the informed place and on reaching there, 15 men and 02 women were seen slaughtering cows and cutting their meat into small pieces. On seeing the police party, all of them climbed up the stairs and managed to flee. However, the names and identity of the petitioner and some of the co-accused was disclosed by the secret informer. On checking, 75 kg. of freshly slaughtered beef, some knives, one weighing scale etc. as well as without number motor-cycle were found lying therein which were taken into custody. After registration of the FIR, investigation proceedings have been initiated. Apprehending his arrest, the petitioner had previously moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Nuh and he had been permitted to join the investigation but he failed to so do due to which his application was dismissed.

3. It is argued by learned counsel for the petitioner that the petitioner has been falsely implicated in this case and he is ready to join the investigation. He could not join the investigation as per the directions given before the Court of Additional Sessions Judge due to his medical condition. No recovery is to be effected from him. No purpose would be served by detaining him in custody and therefore, it is urged that the petition deserves to be allowed.

4. Per contra, learned State counsel who has advance notice of the petition has submitted that he is ready to argue the matter. It is submitted by him that the petitioner has criminal antecedents since as many as four more cases which are serious in nature, are pending against him. He did not join investigation despite an order passed by the Court of learned Additional



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his doing so. No extraordinary and sparing circumstance warranting exercise of powers for grant of anticipatory bail has been made out in this case and hence, the petitioner does not deserve to be extended the benefit of anticipatory bail.

5. I have heard learned counsel for the parties at length and perused the material placed on record.

6. The petitioner along with co-accused is alleged to have been engaged in the business of cow slaughtering in an illegal manner and on the date of occurrence also, he was found while packing beef in the house of co-accused Arshad though he had managed to flee. Despite being granted opportunity to him to join investigation by the Court of learned Additional Sessions Judge, Nuh, he failed to avail the same. Learned counsel for the petitioner has placed on record photocopy of a medical prescription dated 27.06.2024 showing that he was suffering from fever, bodyache and general weakness and had been advised rest for five days as well as photocopy of some cash receipt dated 02.07.2024 issued by one SS Hospital. These documents do not serve any purpose to substantiate his plea that he was suffering from any such medical condition that he was not able to join the investigation before the learned trial Court. It is well settled proposition of law that the powers for grant of pre-arrest bail are to be exercised in extraordinary and exceptional circumstances and not in a routine manner. In the instant case, no such extraordinary and exceptional circumstance has however been made out. Even otherwise, in my considered view, the custodial interrogation of the petitioner is required for conducting thorough investigation in the matter especially keeping in view his criminal

antecedents.

7. Keeping in view the discussion made above, this Court finds no reason to allow the present petition and accordingly, the same is dismissed.

07.08.2024
D.Bansal

(MANISHA BATRA)
JUDGE

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No