



CRM-M-41265-2024

-1-

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

CRM-M-41265-2024

Date of Decision: 27.08.2024

Sabir

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Nafees Ahmed, Advocate, for the petitioner.

Rajesh Bhardwaj, J.

1. The petitioner has approached this Court praying for grant of anticipatory bail in a case FIR No.03, dated 06.01.2024, registered under Section 13(2) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (for short 'HGS &GS Act') (Section5/13(2), 17 of the HGS & GS Act mentioned in impugned order Annexure P-2), at Police Station City Nagina, District Nuh.

2. Succinctly, facts of the case are that a secret information was received by the Police that Zakir @ Zakki, Abid and Sabir are involved in the business of cow slaughtering and on the date of occurrence i.e. 06.01.2024 as well they are selling beef by slaughtering a cow in mountains of Nagal Mubarikpur. In case of raid, they could be arrested red handed. On finding the information reliable, raiding team was constituted and raid was conducted in the mountains of village Nagal Mubarikpur. The Police team spotted three persons escaping after seeing them. Though the Police tried to apprehend them, but taking advantage of darkness, they escaped in the mountains. However, secret informer identified the persons who escaped, as Zakir @ Zakki, Abid and Sabir (petitioner). The Police recovered fresh skin



CRM-M-41265-2024

-2-

of cow. On registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Nuh for grant of anticipatory bail, however, after hearing both the sides, the Court declined the same vide order dated 12.08.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the FIR in the case has been registered on the basis of secret information, however, no specific identification of informer has been proved on record. He submits that the petitioner has been involved in the present case due to party fraction in the village. He further submits that no *prima facie* case is made out against the petitioner, thus, he deserves to be granted anticipatory bail.

4. Heard.

5. After hearing learned counsel for the petitioner and perusing the record, it is apparent that the FIR in the present case was registered on the basis of the secret information received by the Police. The secret information was regarding three accused including the petitioner. Though the accused on seeing the Police party managed to escape, however, as per the FIR, the secret informer identified them while they were escaping. From the record of the case, it is found that the petitioner is involved in 11 other cases, out of which 9 cases are of the similar nature. Co-accused have yet not been arrested. Needless to say that the investigation is at threshold.

6. Hon'ble Supreme Court in **State represented by CBI Vs. Anil**



Sharma, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

7. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

8. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* found.

The investigation is at its threshold. Thus, granting anticipatory bail to the

petitioner at this stage would scuttle the ongoing investigation.

9. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

10. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

27.08.2024		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No