



Date of decision:13.09.2024

Salman ...Petitioner

vs.

State of Haryana ...Respondent

Budha @ Budh Ram	...Petitioner
State of Haryana	...Respondent

Present : Mr. Gaurav Grover, Advocate with
Mr. Himanshu Grover, Advocate
for the petitioner (s) in both petitions.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

N.S.Shekhawat J.(oral)

1. This order shall dispose of above-said two petitions i.e. CRM-M-42840-2024, titled as Salman Vs. State of Haryana and CRM-M-42859-2024 titled as Budha @ Budh Ram Vs. State of Haryana, whereby the petitioners have prayed for grant of pre-arrest bail to them in case FIR No.05 dated 16.01.2023 registered under Sections 13(1), 13(2) of Haryana Gau Sanrakshan and Gausamvardhan Act, 2015, under Sections 11, 59, 60 of Prevention of Cruelty to Animals Act, 1960 and under Sections 307, 429, 120-B of IPC, at Police Station Sadar Jakhal, District Fatehabad.

2. Learned counsel for the petitioners submits that even though, the petitioners have been falsely named in the FIR, but they were not present at the spot. Even the petitioners have been named in the FIR only on the basis of the



suspicion and had no concern with the allegations levelled by the complainant. Learned counsel further contends that in the present case, the main accused Sabudeen, Shahjad, Rijwa UI Haq and Kishan were arrested by the police at the spot, however, they have been granted the concession of regular bail by the trial Court. He further submits that the recovery has already been effected from the co-accused and their custodial interrogation may not be required in the peculiar facts and circumstances of the instant case.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, four persons, namely Sabudeen, Shahjad, Rijwa UI Haq and Kishan were apprehended at the spot and they have been granted the concession of bail by the trial Court. Apart from that, qua the co-accused, challan has already been prepared and has been presented in the Court. Thus, custody of the petitioners will not serve any meaningful purpose.

7. Without commenting any further on the merits of the case, both the petitions are allowed. The petitioners are granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of the BNSS. It will be open for the Investigating Officer to call the petitioners to join investigation, if so required, by issuing a written notice in this regard.

(N.S.SHEKHAWAT)
JUDGE

13.09.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No