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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45822-2024
Date of Decision : 24.10.2024

Ittan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Anmol Malik, DAG Haryana

KIRTI SINGH, J.(Oral)

1. Apprehending arrest in FIR No.198 dated 21.07.2024, under Section 5/13(2), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 registered at Police Station Punhana, District Nuh, Haryana the petitioner has preferred this petition under Section 482 of BNSS for grant of anticipatory bail.
2. The above-mentioned FIR was registered on the basis of complaint made by SI Bharat Singh Harmanpreet Singh son of Late Buta Singh. The contents of the FIR are reproduced herein below :-

“To, The Station House Officer, Bichhore, Jai hind. Respected Sir, Today I, SI and with constable Azad/456/Nuh, 11G11 Bharat Saini 433, HGH Harish 499, driver Surender SPO were present at Malhaka Mode in government vehicle bearing No. HR03GV- 5002 for the purpose of patrolling and prevention of crime. That the secret informer revealed the information that Ittan son Razzak, Islam son of Fakru, Raju son of Ilyas, Musa son of Sarfuddin, Isab son of Sarfuddin and Pappi son of Ramjan residents of Baded are indulge in



the business of cow slaughtering. Even today they are transporting 4 cows to Rajasthan via crasher zone area falls in forest of village Baded for the purpose of cow slaughtering and if the immediate raid is conducted accused can be apprehended from spot along with cows. Believing information of secret informer trustworthy and asked the passerby to join raiding party but all went after giving their justified reasons without disclosing their names and address and I, shared information of secret informer with fellow police personnel and raiding party get prepared alongwith secret informer and went to the place via village Baded and reached near crasher zone as disclosed by the secret informer and 4 persons were ahead of cows who were holding ropes in their hands and 2 were behind the cows were seen visible from distance and 2 persons who were behind cows were having knife and axe instruments of cow slaughtering. All accused fled away after seeing government vehicle on the kachha path and me, SI with help of fellow police officials chased and tried to nabbed the accused and all accused after taking advantage of Kikar trees in village Baded and fled away in the another direction of hills and asked to the secret informer about the names of accused who fled away from the spot and secret informer stated that accused who were ahead of cows and holding ropes in their hands were Ittan son of Razzak, Islam son of Fakru, Raju son of Ilyas, Isab son of Sarfuddin and accused who were behind the cows one was Musa son of Sarfu who was holding knife in his hand and second was Pappi son of Ramjan resident of village Baded who was holding axe in his hand. I, SI with fellow police officials reached back at the spot and found 3 black cows at kachha path and 1 cow which was stucked in dirt and videography and photography has been done through phone and for the sake of evidence cows were taken into police custody and recovery memo prepared and the same has been signed by witnesses. Accused Ittan son Razzak, Islam son of Fakru, Raju son of Ilyas, Musa son of Sarfuddin, Isab son of Sarfuddin and Pappi son of Ramjan resident of village Baded and all abovementioned were



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transporting cows from state of Haryana to state of Rajasthan for the purpose of cow slaughtering and section 5/13(2) of HGS and GS Act, 20215 is made out against the accused.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. He further submits that the cows have already been recovered by the police and no injury has been caused to the cows. Learned counsel further submits that the petitioner is ready to join the investigation and cooperate therewith.

4. Per contra, learned State counsel submits that on 13.09.2024, accused Nizamuddin @ Musa son of Sarfuddin, was taken on production warrant and has joined in the investigation and during the course of interrogation, he suffered his disclosure statement vide which he admitted his involvement as well as of the other co-accused including the petitioner namely Isab alias yusuf son Sarfuddin (his brother), Pappi son of Ramjan, Ittan son of Rajjak. He demarcated the place of occurrence but did not get recover the knife when he was having at the time of occurrence hence Section 238 BNS was added. He further submits that the petitioner was actively involved in the cow slaughtering and fled away on seeing the police party. The petitioner is habitual offender as per record the following cases are registered against him:

i. FIR No.95 dated 30.03.2021 under Sections 5, 13 (2) of HGS, P.S. Punhana- Under Trial

ii. FIR No. 79 of 2024 under Sections 5, 13 (2) of HGS & GS Act, P.S. Punhana - Under Trial

iii. FIR No.19 of 2019 under Sections 5, 6, 8, 9 RBA Act & 379, 411 IPC P.S. Govindergarh, Rajasthan – Not arrested



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5. Heard the rival submissions made by learned counsel for the parties and perused the record.
6. There are serious allegations leveled against the petitioner as three other cases of similar nature are registered against him. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.
7. The petition is dismissed.

24.10.2024
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No