



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

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**CRM-M-49263-2024 (O&M)
Date of Decision: 01.10.2024**

JAFRU @ JAFRUDDIN

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Nafees Ahmad Khan, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G. Haryana

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 13(1), 13 (3), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (For short "Act, 2015") and Section 120-B of IPC (later on Section 420, 473, 379, 411 IPC were added) at Police Station Sadar Tauru, District Nuh (Haryana)
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 persons who were indulged in the business of cow slaughtering for preparation of beef 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

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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 even disclosed the names of the two persons who had managed to flee as Sagru and Jafu (present petitioner). On making search, two motor cycles, 125 kgs of fresh beef and remains of the cow skin along with the 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 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 23.09.2024.

3. It is submitted by learned counsel for the petitioner that he has been falsely implicated in this case. They were not found present at the spot of occurrence. The co-accused Lahik Ahmed @ Laheek Ahmad has been extended benefit of regular bail. The petitioner is ready to join the

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investigation. His custodial interrogation is not required. No recovery is to be effected from him. Three case s are pending against him. He is on bail in all these cases. He is ready to abide by terms and conditions to be imposed by this Court. The provision of offences under Sections 379, 411, 473 and 420 of IPC are not at all attracted against him. Therefore, it is urged that he deserves to be given extended benefit of anticipatory bail.

4. Per contra, it is argued by learned State counsel who has appeared on advance notice of the petition and has vehemently argued that there are serious allegations against the petitioner as well as his brother who was the owner of vehicle bearing HR-74-B-9095 used transportation of the illicit material and other accused who have since been arrested. He used aforementioned vehicle for the purpose of slaughtering cows in the area of Sehlakaha hills. His custodial interrogation is required for conducting proper investigation in the matter by the police. Even otherwise no extraordinary circumstance for grant of pre arrest of bail has been mae out against him. Therefore, it is urged that 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-accued 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 owned by the brother of 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 brother of the petitioner has been recovered. However, no extraordinary or sparing circumstance has been made out warranting exercise of powers of granting anticipatory bail 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 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.

01.10.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No