



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49000-2024
DECIDED ON: 30.09.2024

SHAKEEL

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sanyam Khetarpal, Advocate
for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.205, dated 01.09.2024, under Sections 281, 125, 61(2) of BNS, 2023, Section 11/59/60 of A.C. Act, Section 5/13(2)/17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station City Nuh, District Nuh, Haryana.

2. Prosecution story setup in the present case as per the version in the FIR are as under:-

"To the Officer-in-charge, Sadar Police Station, Nuh. Jai Hind. Today, I, SI (Sub-Inspector), along with Constable Hemant Kumar No. 866, Constable Sudhir No. 714, HGH Arafat No. 692, and government vehicle No. HR-27GV-5892, with driver Dharamveer Singh, was on

patrolling duty near Adbar Chowk for crime inspection. During this time, a secret informant met me, SI, and informed that Arif, son of Nawab Ali, resident of Idrisipur, Police Station Badot, District Baghpat, and Shakeel, son of Nanha, resident of Ghansani, Muzaffarnagar, UP, both of whom are involved in cow slaughter. Today, they are transporting cattle for slaughter, covering the animals with a tarpaulin in a vehicle No. UP-12B-4678 (6-wheeler), and will take them through here to the mountains of Chuhadpur, Rajasthan, with the collusion of the vehicle owner. If a checkpoint is set up here, both individuals, along with the vehicle and cattle, can be caught red-handed. Believing this information to be true, we informed the passersby at Adbar Chowk about the checkpoint, but they all expressed their inability to stay and left the scene. After informing my team and keeping the informant with us, we set up a checkpoint there. About 20 meters ahead of the checkpoint, Constable Sudhir No. 714 was positioned with a metal barricade. Around 15 minutes later, a vehicle was spotted coming from Sohna. As per the informant's description, I, SI, signaled the driver to stop the vehicle. Instead of stopping, the driver sped up and tried to break through the checkpoint toward Barkali. Constable Sudhir, who was positioned ahead, placed the metal barricade in front of the vehicle as per my signal, causing the front and rear tires on the conductor's side to puncture, but the driver did not stop the vehicle. I, along with my team, pursued the vehicle in our government car, and after about 2 to 2.5 km, due to the destruction of the tires, the vehicle was stopped near the village Khedla. The driver and another person jumped out, one from the driver's side and the other from the conductor's side, and fled into the village of Khedla. I, SI, managed to apprehend the person

fleeing from the driver's side after a chase, while the other person managed to escape using the cover of bushes and village houses. Upon asking the detained person for his name, he revealed his name as Arif, son of Nawab Ali, resident of Idispur, Police Station Badot, District Baghpat, UP, and the person who fled was Shakeel, son of Nanha, resident of Ghansani, Police Station Muzaffarnagar, UP. Returning to the scene, we checked the vehicle, which was an Ashok Leyland 6-wheeler with number UP-12B-4678 written on both the front and rear. After removing the tarpaulin, we found a total of 14 cattle, hungry, thirsty, emaciated, and cruelly tied with ropes inside the vehicle's body. Upon checking the vehicle's cabin, we found a plastic bag in white and green colors with "MADHU SUDAN" written on it. Upon inspection, the bag contained a knife and an axe. These were placed back in the bag, and the bag was sealed. The seal was handed over to Constable Sudhir. The vehicle No. UP-12B-4678, along with 14 cattle and the tools for cow slaughter (knife and axe), were seized by the police as evidence."

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner is the owner of the alleged truck bearing registration No.UP-12BT-4678 whereas he was never present at the spot of occurrence and no recovery whatsoever has been effected from him. It is further contended that co-accused, namely, Aarif, who was apprehended by the police party, has been granted the concession of regular bail by the Chief Judicial Magistrate, Nuh vide order dated 09.09.2024.

On behalf of the State

Learned State Counsel appearing on advance notice, very fairly submits that nothing is to be recovered from the present petitioner as the cows in question have already been taken into custody and offending vehicle also stands impounded, and, therefore, petitioner's custodial interrogation is not required at this stage.

4. Analysis

Be that as it may, after giving a thoughtful consideration to the submissions made by the respective parties and considering the fact that the custodial interrogation of the petitioner is not required at this stage, as has been stated herein-above by the learned State counsel and the fact that co-accused Aarif, who was apprehended at the spot, has been granted the concession of regular bail by Chief Judicial Magistrate, Nuh vide order dated 09.09.2024, no useful purpose would be served by sending the petitioner behind the bars.

5. Decision

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of 10 days from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of 10 days, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

30.09.2024
Poonam Negi

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