



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

CRM-M-62878-2024
Date of Decision: **19.12.2024**

RAHUL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Imtiyaz Hussain Aadil, Advocate,
for the petitioner

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.201, dated 26.04.2024, under Sections 420, 467, 468 and 471 of IPC, 1860, and under Sections 13(2), 17 and 3 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, and under Section 3(2) of the Prevention of Damage to Public Property Act, 1984, and under Section 11 of the Prevention of Cruelty to Animals Act, 1960, registered at Police Station Hodal, District Palwal.

2. The brief facts of the case, which are culled out by the learned Additional District and Sessions Judge, Palwal, while declining the regular bail application of the present petitioner, is extracted hereinafter:-

“2. Tersely put, the factual background of the case of the prosecution is that on April 26, 2024, Pradeep, a member of the Narayani Sena Gau Raksha Dal, along with his companions Naval, Sonu, Shiva Dahiya, and Punit Vashisht, received information from a special informer about a truck transporting cattle for slaughter to Mewat. The truck, identified by the number plates HR 55 AJ 2163 in front and MH 04 LE 8316 at the rear, was spotted near Dabchik at around 4:30 AM. Pradeep and his group signaled the truck to stop, but the driver attempted to flee. A high-speed chase ensued, during which the truck collided with a grill and light pole on NH-19, causing damage to the government property. The truck eventually became stuck in the grill. Two individuals inside the truck, later identified as Rahul Khan and Vakil Khan, tried to escape but were apprehended by Pradeep and his companions. Upon inspecting the truck, 19 bulls were found tied inside, indicating cruelty towards the animals. Pradeep immediately informed the police, who arrived at the scene with a mechanic and a crane to free the truck. The bulls were then taken to Shri Krishna Chaubisi Gaushala in Hodal for care. The police also took the truck and the number plates into custody as evidence. Further investigation revealed that the truck had been modified with two different number plates, suggesting an illegal operation. The police registered a case under various sections, including the Animal Cruelty Act, the PDPP Act, and sections of the IPC related to fraud and forgery. Legal action was initiated against the accused, and the investigation continued to identify other individuals involved in the cow smuggling operation.”

3. Learned counsel for the petitioner, in asked for the relief (*supra*), submits that in the instant case, on receipt of a secret information, from conducting raid till the effecting of recovery, everything has been done by some private individuals, who are not authorised to do the same under the law, rather they are under the obligation to inform the official concerned, at the very first instance, upon receipt of any such information, of any cognizable offence.

4. He further submits that the petitioner is neither a previous convict, nor involved in any other criminal case of like nature. The petitioner has suffered incarceration of about 08 months as today in the instant case.

5. He also submits that the conclusion of the trial would take a long time, as out of the total 16 prosecution witnesses as cited in final report, none has been examined so far.

6. *Per contra*, the learned State counsel, has vociferously opposed the asked for relief to the present petitioner, and has filed a custody certificate *qua* the petitioner today in court, which is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 07 months and 23 days, as on today.

7. He, on instructions, imparted to him by the official respondent, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., has already been filed on 25.07.2024 and thereupon, the charges were framed by the learned trial court concerned on 13.08.2024. In the final report total 16 witnesses have been cited by the prosecution, however, none has been examined till date.

8. This Court has considered the rival submissions as made by learned counsel for the parties concerned, and has gone through the entire case file.

9. Be that as it may be, without observing anything on the merits of the instant case, as well as the authority of the private individual to conduct such raids, considering the fact that: **(i) the petitioner has suffered incarceration of 7 months and 23 days, as on today; (ii) the final report has already been filed way back on 25.07.2024, and the charges have been framed on 13.08.2024; (iii) trial is not likely to conclude anytime soon as out of the total 16 prosecution witnesses, none has been examined till date; (iv) no fruitful purpose would be served by keeping the petitioner behind the bars,** this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the

merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

11. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

12. All pending application(s), if any, also stand **disposed** of accordingly.

December 19, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No