



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

215

CRM-M-776-2025

Date of decision: 20th January, 2025

Aabid

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arjun Atri, Advocate for the petitioner.

Mr. Apoorv Garg, Senior Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 285 dated 08.12.2024 registered under Sections 5/13(2) and 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, 11, 59, 60 of Animal Cruelty Act and Section 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Nagina, District Nuh (Mewat), Haryana.

2. As per the allegations on 08.12.2024, on the basis of a secret information, a raiding party was formed by SI Balbir Singh, a barricade was created at Vadora Highway and one truck bearing registration No. HR-55-AE-5436 was signalled to be stopped. The driver tried to turn the vehicle back but could not succeed. Three persons who were occupants of the vehicle managed to flee. The secret informer disclosed their names as



Sameem s/o Satar, Talim @ Thoda and Sameem @ Kala s/o Fauja. On conducting search of the vehicle, twenty-one cows, thirteen calves and four bulls were found tied in the vehicle for the purpose of slaughtering. One axe and some knives were also recovered from the vehicle, which were taken into the custody. After registration of FIR under the aforementioned Sections, investigation proceedings were initiated and are underway. It was revealed during investigation that the petitioner was the registered owner of the aforementioned vehicle. The co-accused Sameem @ Kala and Sameem S/o Fauja have been extended benefit of bail. In their disclosure statements, they took the name of the present petitioner and then he was nominated as an accused. Apprehending his arrest, he moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Nuh vide order dated 18.12.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case while admitting that he is the registered owner of the vehicle in question. It is urged that he was not aware of transportation of cows/calves/bulls in his vehicle by the co-accused. He has not been named in FIR. He is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not required. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is submitted by learned Senior Deputy Advocate General, Haryana that there are serious allegations against the petitioner. No extra ordinary circumstance warranting extension of pre-arrest bail has been made out in favour of the petitioner. His



complicity in the commission of offence of transporting the cows and calves etc. for slaughtering purposes, stands *prima facie* established in view of the allegations levelled in the FIR. The petitioner has admitted that he is the registered owner of the vehicle in question. For conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. Therefore, it is urged that the 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 carefully.

6. The petitioner is alleged to have hatched a conspiracy with the co-accused for transporting of cows, calves and bulls for the purpose of slaughtering, by using the vehicle owned by him. The custodial interrogation of the petitioner is required for eliciting the truth and the manner of committing subject offences as well as for conducting thorough investigation in the matter. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. Many useful information can be disinterred during custodial interrogation. Moreso, no exception or extra ordinary circumstance warranting exercise of powers for grant of pre-arrest bail is made out in this case. Keeping in view the nature of the subject offences and the role attributed to the petitioner and for the purpose of eliciting the truth, I am of the considered opinion that he does not deserve to be extended benefit of pre-arrest bail. Accordingly, the petition stands dismissed.



7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20th January, 2025
Parveen Sharma

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