



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

CRM-M-5344-2025

DATE OF DECISION: 20.03.2025

NAJRUDDIN

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Munfaid Khan, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The instant petition under Section 482 BNSS for grant of anticipatory bail in case FIR No.338 dated 20.12.2023 under Sections 148, 149, 186, 307, 429 of IPC and Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act 2015 and Section 25 of Arms Act 1959, registered at Police Station Dhauj, District Faridabad.

2. Prosecution story set up in the present case as per the version in the FIR reads as under :-

‘ Today, I ASI along with constable Aman no. 4013 in Govt. vehicle bearing registration no. HR 87 GV 1358 driven by constable Devender no. 3872 was present near village Pakhal on night crime patrolling duty. In the meanwhile, the secret informer gave the secret information that 5-6 cow smugglers after loading 6 cows tied their legs and mouths with ropes in pick-up no. HR 55AQ 2956 for slaughtering purpose will go



from Faridabad toward Sohna. If the Naka Bandi is started, then pick-up loaded with cows can be apprehended. On considering the secret information as a trust worthy, the Naka Bandi was started at Bus Stand Near Village Pakhal. After sometime, one pickup bearing registration no. HR 55 AQ 2956 was seen with high speed from Faridabad side. -On watching police party standing ahead, the pickup driver after taking U-Turn started to run away toward village Nekpur. On which. I ASI along with my colleagues started to follow pickup. In the meanwhile, Gorakshak Anil Kaushik son of Jitender Kaushik resident of house no. 380, Parvatiya Colony NIT Faridabad and Aadesh Kumar son of Jai Singh Resident of NCF House no. 6847, Sanjay Colony Faridabad along with their friends came in their vehicle. The persons sitting outside the pickup cabin were pelting the stones toward us and pickup driver via village Fatehpur Tagah reached in village Aalampur. I ASI with the help of Gaurakshak Dal surrounded that pickup from all side and on watching surrounding themselves, they left the pickup while firing upon us. I ASI and cow protectors made lot of efforts to apprehending them, but they succeed to run away by taking the benefit of darkness and narrow type ways of village Aalampur. On checking pickup, 6 cows whose legs and mouth were tied mercilessly were found, whose photography was prepared by my mobile. On searching the vehicle, the stones and ropes were found on roof of the vehicle and one live cartridge of 8 MM KF was found in the body of the vehicle. One rope and knife having 14.6 CM length and 12 CM length were found in the cabin of the vehicle. The yellow number plate bearing registration no. HR 55 AQ 2956 was attached in backside. The live cartridge and knife were taken into police custody vide recovery memo signed by witnesses. The unknown persons after loading the cows for slaughtering purpose in their pickup mercilessly and by firing and pelting stones upon police party and cow protectors committed the offences punishable under section 148, 149, 186,



307, 429 IPC and Section 13(2) HGSG Act, 2015 and section 25-54-59 of Arms Act".

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that the petitioner was nominated in the present case on the basis of the disclosure statement of co-accused. As per the allegations, the petitioner was accompanying the co-accused at the time of incident and fired towards the police party.

He further submits that the arrest of the petitioner has already been stayed vide order dated 30.01.2025. therefore, prays for grant of anticipatory bail to the petitioner.

On behalf of the State

Learned State Counsel submits that he has no objection if the petitioner is granted anticipatory bail as the arrest of the petitioner has already been stayed vide order dated 30.01.2025.

4. **Analysis**

Having regard to the fact that the arrest of the petitioner was stayed vide order dated 30.01.2025 and as per the State Counsel, the petitioner is co-operating in the investigation, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.



5. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him continue in joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

20.03.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>