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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-13375-2025

DATE OF DECISION: 10.03.2025

JAIKAM

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. K.S.Billing, Advocate and  
Mr. Baljinder Singh, Advocate for the petitioner(s).  
Mr. B.S.Virk, Sr. DAG, Haryana.

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SANDEEP MOUDGIL, J (ORAL)1. Prayer

This petition has been filed for grant of anticipatory bail under Section 482 BNSS, 2023 in FIR No. 182 dated 15.05.2024, under Section 13(2), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and 11 of Prevention of Cruelty to Animals Act, 1960 and 279, 336, 120-B of IPC, registered at Police Station Sadar Nuh, District Nuh, Haryana (Annexure P-1).

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

*‘To, The Station House Officer, Police Station Sadar Nuh. Jai Hind. Today myself Inspector/Incharge along with fellow employees SI Bacchu Singh No. 80/Nuh, ESI Satbir Singh No. 603/Nuh, HGH Yograj No. 738, HGH Raheesh No. 345, HGH Mahendra Singh No. 582 were on government vehicle bearing registration No. HR27-GV-5892, whose driver is Bijender (Koshal Rojgar) were on patrolling in search of crime were*



*present at Gurugram Canal Bridge Hodal Nuh Road. The secret informer has met and given information that Sajid son of Nasru resident of Davokar police station Jurheda, Rashid son of Jameel resident of Utawar, Hanif alias Honey son of Ramzan resident of Utawar, Kala alias Wasim son of Islam resident of Kot and Jakam son of Fajju resident of Dhulawat police station Tauru are indulged in the business of cow slaughtering. Today they have loaded cows in a canter vehicle, without number colour red-blue, six tyre load the cattle from somewhere and are transporting the same towards Chuaharpur Rajasthan. If the barricading is done at this place, the accused can be nabbed with vehicle and cows. The information has been deemed as true and the persons who are passing through Gurugram Canal Bridge Hodal Nuh Road have been informed and asked them to join the barricading. All the persons have shown their inability and went away without disclosing their name and address. Then I have given information to accompanied employees and took the secret informer alongwith us and started barricading at the said place then after about 5-7 minutes, a canter vehicle color red-blue was seen coming from the Utawar side. As per my instructions, Sub Inspector Bachchu Singh, who was standing about 50 meters before the canal bridge, signaled the driver of the Eicher Canter to stop. On seeing the police party ahead, the driver drove his vehicle at a faster speed. As per my instructions Senior ESI Satbir Singh put a barricade in front of the above vehicle-canter from the driver's side, but the canter driver did not stop the canter and drove over the barricade. After this, HGH Yograj who was standing 100 meters ahead, put a barricade in front of the above running vehicle-canter from the conductor's side, but even then, the canter driver did not stop the vehicle and drove over the barricade. The inspector/incharge made his staff sit in a government vehicle and started chasing the fleeing vehicle Eicher Canter. Due to the tyres on both sides of front and rear of the Eicher Canter being damaged and seeing*



*the police vehicle approaching, they stopped the on the road ahead of Ujina village and 5 persons were seen running away from the vehicle. Three persons ran away from the conductor side i.e. window into the jungle and two persons jumped on the road together from the driver's side. Both the fleeing persons fell on the road. One of them got up and ran into the jungle. I caught hold of the person who had fallen on the road. The other fellow officer tried hard to catch the four fleeing persons but due to the long distance, all four managed to escape from the spot. When I asked the name and address of the person I caught, he told me his name as Sajid son of Nasru resident of Divokar police station Jurheda Rajasthan. The names of his other fleeing companions were Rashid son of Jameel resident of Utawar, Hanif alias Honey son of Ramzan resident of Utawar, Kala alias Wasim son of Islam resident of Kot and Jaikam son of Fajju resident of Dhulavat police station Tauru. The right leg of the above said Sajid appears to be broken due to getting entangled in the vehicle while jumping and falling on the road. When the vehicle was checked, no number was found written on its front or back side. When the engine and chassis number of the vehicle was checked then on chassis No. MC2TIKRCOJA006684 was found written on it. On checking its details, the RC number of the above vehicle was found to be RJ02 GB 6579. When the vehicle was checked then 20 cows of lean health, hungry, thirsty condition were found and were loaded in an very cruel manner. When the cabin was checked behind the conductor's side seat, two knife and an axe and about 22 feet of rope were found in a plastic bag which were kept back in the plastic bag and Palanda was prepared and stamped with seal letter BS and handed over to ESI Satbir Singh. The recovered above said six tyres vehicle alongwith 20 cows alongwith one plastic bag were taken into police custody as memo of evidence. Accused Sajid and ESI Satbir Singh affixed their signature on the said memo. The above said accused Sajid*



*son of Nasru resident of Divokar police station Jurheda Rajasthan. The names of his other fleeing companions were Rashid son of Jameel resident of Utawar, Hanif alias Honey son of Ramzan Investigating Officer/Incharge be sent for investigation on the spot. I alongwith accompanied employees, accused and case property are present on the spot. Today at Nuh Hodal Road at Village Ujina. Sd/- Insp. Radhey Shyam Incharge C.S. Staff Nuh Dated 15.05.2024 at 07:20 PM.*

### 3. Contentions

#### On behalf of the petitioner

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is contended that the petitioner was neither named in the FIR nor had any involvement in the alleged transaction, and further, that the petitioner was not present at the location when the concerned truck was apprehended by the police. The counsel submits that the petitioner was mentioned in the disclosure statement of the truck driver, with whom the petitioner has no connection, as the petitioner is neither the owner of the said truck nor has any relation to it. It is further contended that the petitioner was granted anticipatory bail by the Additional Sessions Judge, Nuh, vide order dated 28.10.2024 (Annexure P-2), with a direction to join the investigation within 07 days. However, the petitioner could not join the investigation within the stipulated time and consequently filed an application before the learned Additional Sessions Judge, Nuh, seeking an extension of time to join the investigation, which application was rejected by the learned Additional Sessions Judge, Nuh, vide order dated 19.11.2024 (Annexure P-3). He



has further referred to order dated 19.12.2024 passed by a Co-ordiante Bench of this Court passed in CRM-M-64386-2024 vide which the petitioner was granted interim anticipatory bail subject to him joining investigation within seven days vide order dated 19.12.2024 (Annexur P-4), however, the said petition was later withdrawn with liberty to file afresh as the petitioner inadvertently mentioned the wrong police station in that petition vide order dated 17.01.2025 (Annexure P-7) and therefore, necessary compliance to the order could not be effected. In light of the said liberty availed by the petitioner vide aforesaid order dated 17.01.2025 (Annexure P-7), the instant petition has been filed.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

**On behalf of the State**

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner is a habitual offender as he is involved in 6 other FIRs of identical nature but fairly submits that he is on bail in all six FIRs.

**4. Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties 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.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned counsel for the petitioner at this stage, has submitted that the petitioner is on bail in all six FIRs and reliance has been placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of the concession of bail.

#### 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 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**

**10.03.2025**  
*anuradha*

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*