

CRM-M-16775-2025
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16775-2025
Decided on: 26.03.2025

Waaris @ Patwari ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
3	03.01.2025	Ferozepur Jhirka, District Nuh	5/13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act 2015 and Section 11/59/60 of the Prevention of Cruelty to Animals Act 1960 and 61(2) of BNS

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 6 of the bail petition, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	430	16.11.2022	5/13(2), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act 2015 and 11/59/60 of the Prevention of Cruelty to Animals Act 1960	Ferozepur Jhirka, District Nuh
2	455	09.12.2023	5/13(2), 17 of the Haryana Gauvansh Sanrakshan and	Ferozepur Jhirka, District Nuh



CRM-M-16775-2025

			Gausamvardhan Act 2015 and 11/59/60 of the Prevention of Cruelty to Animals Act 1960 and 120B IPC	
3	426	21.11.2023	5/13(2), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act 2015 and 11/59/60 of the Prevention of Cruelty to Animals Act 1960	Ferozpur Jhirka, District Nuh
4	231	12.06.2023	5/13(2), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act 2015 and 11/59/60 of the Prevention of Cruelty to Animals Act 1960	Ferozpur Jhirka, District Nuh

3. The facts and allegations are being taken from the order dated 04.02.2025 (Annexure P-2) passed by the Additional Sessions Judge, Nuh, which reads as follows:

“On January 3, 2025, at approximately 7:00 PM, Sub-Inspector Ram Kishan, along with Constable Pawan Kumar (471/Nuh), Constable Naveen Pratik (749/Nuh), Constable Ajeet (268/Nuh), HGH Imtayak (479/Nuh), and HGH Naseem (463/Nuh), was present on the road between Doha Todia and Village Doha in Nuh for crime prevention duties. During their surveillance, a special informer approached them with crucial intelligence. The informer reported that three individuals Patwari, son of Ansar, a resident of Fodawas (Biwa) under the jurisdiction of Ferozpur Jhirka police station; Chhuttli, son of Haroon, a resident of Kot, under Bahin police station in Palwal district; and Jameel, son of Umar Mohammad, a resident of Nariyala (Patakpur) under Pinangwa police station were engaged in the illegal business of cow slaughter. The informer further disclosed that these men planned to transport cattle using pickup vehicle HR 74-7896, with the cooperation of the vehicle owner, to Village Doha-Kolgaon in Rajasthan for slaughter. Upon believing the information to be credible, the Sub-Inspector and his team decided to intercept the accused. They attempted to enlist the assistance of passersby to help set up a blockade, but all individuals cited personal constraints and left without revealing their names or addresses. Consequently, the Sub-Inspector informed his colleagues of the situation and proceeded with



CRM-M-16775-2025

the special informer to establish a blockade at the designated location. To ensure the vehicle's capture, he handed an iron bar to Constable Naveen Pratik (749/Nuh) and positioned him approximately 50 steps away from the blockade, instructing him to place the iron bar in front of the vehicle should the driver attempt to flee. About fifteen minutes later, a pickup truck approached from Doha Todia. The special informer signaled to confirm it was the target vehicle. As the vehicle neared, the Sub-Inspector motioned for the driver to stop. However, upon noticing the police presence, the driver accelerated. Reacting swiftly, Constable Naveen Pratik placed the iron bar in the vehicle's path, causing the rear tire on the driver's side to puncture. Despite this, the driver managed to break through the blockade and continue driving at high speed. A chase ensued, with the police in pursuit in a government vehicle. During the pursuit, the suspects began throwing the cattle out of the moving pickup onto the road. Eventually, due to the punctured rear tire, the vehicle lost balance, veered off the road, and became immobilized. Three individuals were seen fleeing from the driver's side and the body of the pickup truck. The police officers, despite their best efforts, were unable to apprehend them due to the darkness, standing mustard crops, and the nearby village's dense population, which provided cover for their escape. The special informer identified the fleeing suspects as Jameel, son of Umar Mohammad, Patwari, son of Ansar, and Chhuttli, son of Haroon. Upon inspecting the pickup truck, the police confirmed the registration number as HR 74-7896. Inside the vehicle's body, they found a black bull with its mouth and legs tightly bound with ropes. Additionally, four other cattle a white bull, a red bull, and another black bull were found on the roadside, having been thrown from the moving vehicle. All of them were similarly restrained with ropes. The officers took the vehicle and the rescued cattle into police custody, documenting the seizure through a list memo receipt, which was duly signed by witnesses. The investigation revealed that the accused had conspired to transport the cattle illegally for slaughter, in connivance with the vehicle's owner. By attempting to take the animals from Haryana to Rajasthan, they had committed offences under sections 5/13(2), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 11/59/60 of the Animal Cruelty Act and 61(2) of the Bharatiya Nyaya Sanhita (BNS), consequently FIR No.3 dated 03.01.2025 was registered."

4. The petitioner's counsel submits that petitioner has been falsely implicated in the

CRM-M-16775-2025
present case and he has no concern with the present case and was neither present at the spot. On instructions, counsel submits that petitioner undertakes not to repeat the offence. He further prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. While opposing the bail, it has been contended on behalf of the State that the petitioner is a habitual offender and four other similar FIRs are also pending against him.

REASONING:

6. Briefly, the allegations against the petitioner are of transporting animals (cows) for slaughtering. The other details are not necessary for the purpose of deciding the present petition.

7. The vehicle involved already recovered and animals have already been rescued. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. The investigation indicates that the petitioner is not the main accused, so the petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaka Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the	



CRM-M-16775-2025

	attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.
13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.
14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.
16. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.
17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the

2025.PHHC:041136



6

CRM-M-16775-2025

official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

26.03.2025

anju rani/renu bala

Whether speaking/reasoned: Yes

Whether reportable: No.