



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-18870-2025
Date of Decision: 22.04.2025

Sarajuddin ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nafees Ahmad Khan, Advocate
for the petitioner. (through video conferencing).

Ms. Harpreet Kaur, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
02	06.01.2025	Punhana, District Nuh	191(3), 190, 121 (1), 132, 221, 109(1) BNS and 13(1) 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015

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. Status report dated 18.04.2025 filed by State counsel is taken on record.
3. As per paragraph 10 of the bail petition and as per paragraph 12 of the status report, the accused has no criminal antecedents.
4. The facts and allegations are being taken from the status report dated 18.04.2025 filed by the State, which reads as follows:

“3. That the brief facts of the present case are that on 06.01.2025, the police patrolling team had received an information from secret informer that Sirajuddin @ Kala (present petitioner Sarajuddin) and Nizamuddin @ Mussa sons of Sarfuddin, resident of village Baded have been involved in cow slaughtering and on 06.01.2025 also, after slaughtering the cow, they were cutting the beef into pieces in their house and packing the same in small polythene for the purpose of sale. On information, the police conducted raid at the house of above said persons, which was locked from outside. On seeing from the hole of the main gate, two persons were found packing beefs in polythene and sacks. The person who was having axe in his hand was identified by secret informer as Sirajuddin @ Kala and the person who was having knife in his hand was identified as Nizamuddin @ Mussa. When police tried to enter the house, then Sarajuddin, with



intention to kill the members of police team, threw axe towards police team and then both of them fled away from the spot through wall of said house. On search of said house, the police team recovered 60 kgs beef, one jute sack, weighing scale, three weight stones of two kgs, one weight stone of one kg, one wooden log, two knives, one axe and twelve polythene bags. At that time, the above named persons along with around 20-25 other persons armed with lathi, danda, axe returned at the spot and attacked on police team with intention to kill the members of police team. Ct. Bhawani Singh and driver SPO Surender received injuries in said physical assault. All above said persons fled away from the spot, on arrival of more police force at spot. However, secret informer identified some of the persons attacking the police team as Sirajuddin @ Kala, Bhujji wife of Sirajuddin @ Kala, Aadil son of Sirajuddin @ Kala, Aash Mohd. @ Kallu, Nizamuddin @ Mussa, Khalid, Khalli, Mustkeem and Ajji. There upon, the above mentioned FIR No.02 dated 06.01.2025 u/s 191(3), 190, 121(1), 132, 221, 109 BNS and 3/13(1), 8/13(3) Haryana Gauvansh Sanrakshan and Gau Samvardhan Act registered at P.S. Punhana, Nuh.”

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.
6. The State's counsel opposes bail and refers to the reply.
7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“9. That the role of the petitioner Sarajuddin in the present case is that he is involved in slaughtering of cows and selling the cow meat. On 06.01.2025, when the police team had reached the house of the petitioner for conducting raid in connection with cow slaughtering, the petitioner had thrown the axe at the police party with the intention to kill and then he had fled away. Later on, the petitioner had returned with other persons of village and again attacked the police party with lathi.

10. That the evidence against the petitioner is that he is by name accused in the present FIR. Furthermore, he has been named by co-accused Aas Mohd. in his disclosure statement which is already attached herewith as Annexure R-7. Moreover, at the time of raid, 60 kgs beef in polythene bags, one jute sack, weighing scale, three weight stones of two kgs, one weight stone of one kg, one wooden log, two knives, one axe, and twelve polythene bags were recovered from his house. The recovery memo is attached herewith as Annexure R-10 and the photographs are attached herewith as



Annexure R-11.

11. That the custodial interrogation of the petitioner is required for obtaining information about the other accused persons, for obtaining information about other persons involved with him in cow slaughtering, and he did not disclose about the fact, from where they get cows for slaughtering, and required for obtaining the process of selling beef (how many persons have been involved in this selling nexus) and for obtaining other information relevant to the present case.”

REASONING:

8. Perusal of the MLR and x-ray report reflects that there is no grievous injury on the person of victim, as such, no ground is made out to deny bail. 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.

9. 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.

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 Ilaqa 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 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. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from today and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided it is otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

16. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

17. 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.

18. ***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.***

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. 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 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.

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

22.04.2025

Jyoti-II

**(ANOOP CHITKARA)
JUDGE**

Whether speaking/reasoned: Yes
Whether reportable: No.