

2025:PHHC:050065



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

**CRM-M-20525-2025
DECIDED ON: 16.04.2025**

NAJRUDDIN**.....PETITIONER**

VERSUS

STATE OF HARYANA**.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Nafees Ahmad Khan, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of Anticipatory bail to the petitioner in FIR No.250 dated 03.12.2024, under Sections 13(1) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Sections 3(5),325 of The Bharatiya Nyaya Sanhita 2023, Section 25 of Arms Act 1959 Police Station Dhauj, District Faridabad (Annexure P-1) keeping in view the facts and circumstances mentioned in the present petition.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To, SHO, Police Station Dhauj, Faridabad, Jai Hind, Sir, Today I SI alongwith P/SI Sumit and ASI Kamal No.299, HC Abdulbari 3216, Constable Rahul 697 in official vehicle being driven by Constable Devender 3872 were present at Bus Stand Village Alampur for patrolling and search of crime. Then a secret informer met and informed that Alddin, Ehsan and Shadda sons of Kammu

and Nijju alias Nijja son of Aslam, residents of Village Tikrikhera in connivance together are slaughtering a cow under a clump of Kikar trees in the fields on the left hand side from the culvert on the road going near Alampur to Tikrikheda, under the cover of a straw stack. If a quick raid is conducted then the accused can be caught along with the cow meat. The SI, considering the information given by the special informant to be true, informed his fellow employee about the information, freed the special informer and conducted a quick raid at the place indicated by the informer. All those persons took advantage of the darkness and fled from the spot by sitting on the motorcycles parked nearby. I SI saw that under a clump of Kikar trees, under the cover of a haystack, a cow was found in a slaughtered state, its skin was removed and the chopped meat was kept in a plastic polythene bags. An iron axe with a wooden handle and 2 iron knives and a rope were found lying at the spot and an iron scale and a 2 Kg weight were also found. Thela Khurji was found. On counting the polythene bags, a total of 28 polythene bags were found. When weighed, the weight of meat in each polythene was found to be 5 KG and the total weight was 140 KG. The length of the axe blade was 6 inches, width of the blade was 4% inches and the length of the wood was found to be 16 inches. Iron knife of which the length of the blade is B inches and length of the handle is 4 inches and another knife of the blade length is 7% inch and length of the handle is 3% inch. The iron axe and both the knives, iron knife, bag, tarpaulin bag, rope, scale and weights of 2KG were put in a plastic bag and a parcel was prepared which was stamped with SS seal and after the seal was handed over to constable Rahul 697. A separate blueprint of the knife and axe was prepared. The recovered scale, weights, iron knife, axe, rope, bag and the above were put in a plastic bag and taken into police custody as evidence vide memo. Accused and witnesses put their respective signatures on the memo. Meat was sent to Veterinary surgeon for examination. Alddin, Ehsan, Shadda and Nijju alias Nijja by cow slaughtering have committed an offence under Sections 13(1) HGSG Act and 325,3(5) BNS and 25-54-59 Arms Act. Veterinary surgeon was informed to come on the spot and initially writing is being sent

through constable Rahul 697 to Police Station. After registration, case number be Intimated. Another Investigating Officer be sent on the spot for further investigation. I SI is busy on the spot. Today: Near Alampur Tikri Khera Road. Sd/-Satbir Singh SI P.S. Dhauj Faridabad. Date 03.12.2024 at: 1:00 AM. Today in the police Station: from the contents of received complaint on attracting above mentioned offences, FIR No.250 dated 03.12.2024, under Section 13(1) HGSG Act, 325,3(5) BNS and 25-54-59 Arms Act has been registered at Police Station Dhauj, Faridabad and after preparing computerized copies of FIR as per procedure, same are being through special constable Kuldeep No.4393/PBD and Email to higher officers and Illaqa Magistrate through post and as per order of SHO, I SI appointed as Investigating Officer for further investigation of the case. I SI alongwith coming constable with copy of police file and original writing are going to the spot at Village Tikri Khera being I/O. Duty Officer: SI Krishan Kumar 235/FBD Police Station Dhauj, Faridabad. MOB No.9911826248.”

3. **Contention**

On behalf of the petitioner

Counsel for the petitioner contends that the petitioner has been falsely implicated in the instant FIR. It is further contended that the petitioner has been roped in the instant case only on the basis of secret informer who has personal interest in the instant case. He further contends that the accused persons by taking advantage of the darkness fled from the spot on a motorcycle and that the petitioner is not the owner and have nothing to do with the vehicle used for running away from the place of incident.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Vipul Sherwal, AAG Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and opposed the present petition on the ground that the petitioner along with

the co-accused has indulged in committing act of cow slaughtering. He further contends that another case stands registered against the petitioner bearing FIR No.94 under section 13(1) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act 2015, sections 429,32 IPC and section 25 of Arms Act 1959 registered at Police Station Dhauj, Faridabad. Thus, custodial interrogation of the petitioner is required pertaining to commissioning of grave offence.

Analysis.

In the instant case, the mere fact that the petitioner was not found on the spot would not vest a right upon the petitioner for grant of anticipatory bail more particularly when there are other relevant factors which deserve consideration, as recovery of beef has been effected. Otherwise also the petitioner is a habitual offender, as he is involved in another case of similar nature, as has been contended by learned State counsel. Therefore, there are chances of re-offending, if he is enlarged on bail.

Furthermore, it is a settled proposition of law that power exercisable under Section 482 B.N.S.S, 2023,. is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Hon'ble Supreme Court in ***State Vs. Anil Sharma : (1997) 7 SCC 187*** held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is

interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

In ***Sushila Aggarwal Vs. State (NCT of Delhi), (2020) 5 SCC 1***, the Hon’ble Supreme Court has enunciated the considerations that must govern the grant of anticipatory by holding as under: -

92.3...While considering an application (for grant of anticipatory bail) the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses), likelihood of fleeing justice (such as leaving the country), etc.

92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

Similarly, in ***Neeru Yadav Vs. State of UP & Anr., (2016) 15 SCC 422***, it was held by Hon’ble Supreme Court as under: -

“11. It is the duty of the Court to take into consideration certain factors and they basically are,

(i) the nature of accusation and the severity of punishment in cases of conviction and the nature of supporting evidence, (ii)

*reasonable apprehension of tampering with the witnesses for apprehension of threat to the complainant, and
(iii) Prima facie satisfaction of the court in support of the charge.”*

Therefore, the foremost consideration for the Court while adjudicating an application for anticipatory bail is the gravity of the offence and the existence of a prima facie case against the accused. In the present matter, there are prima facie allegations against the petitioner, as the recovery of beef is stated to have been effected from his possession

Keeping in view the aforementioned facts and circumstances and nature of averments, the petitioner does not deserve the concession of anticipatory bail. Hence, the present petition is hereby dismissed.

However it is made clear that the observations of this court shall have no bearing in the mind of the trial court while adjudicating the trial upon the matter in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

16.04.2025

Meenu

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