

2025:PHHC:109616



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

**CRM-M-37641-2025
DECIDED ON: 21.08.2025**

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

Present: Mr. Ravi Malik, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 57 dated 10.03.2025 under Sections 5/13(2), 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 11 of Prevention of Cruelty to Animals Act, 1960, P.S. Chandhut, District Palwal, Haryana (Annexure P-1).

2. Brief facts of the case read as under:-

"To SHO Sahab, Police Station Chandhat, Jai Hind. Today, I PSI along with constable and Ajay 661/ Palwal on government vehicle driver HKRN Sakul were patrolling crime investigation at Aligarh Palwal road under KGP bridge when the secret informer informed that a pickup vehicle brand Mahindra No. UP 12 DT 0056 is carrying cows for cow slaughter. It will pass through Chhajjunagar KGP toll

plaza after some time and is coming from Ghaziabad. If an immediate raid is done, the vehicle can be seized along with the cows. The PSI informed his fellow officer about the information and reached KGP toll plaza Chhajjunagar and started the barricading. After some time, a vehicle was seen coming from Ghaziabad. The driver of vehicle no. UP 12 DT 0056 on seeing the police vehicle, he left the vehicle no. UP2 DT 0056 before the KGP toll plaza and ran towards the fields and escaped. On checking the pickup UP 12 DT 0056, a total of four cows were found tied with ropes, in which three cows and a small calf were found. A phone brand VIVO (TOUCH SCREEN was found in the cabin of the vehicle. The pickup vehicle no. UP 12 DT 0056 and the three cows, one calf and one phone recovered were taken into police possession by registering an FIR. Videography and photography were done on the spot through E-evidence. The Station House Officer was informed about the situation. The driver of the vehicle UP 12 DT 0056 had mercilessly tied the cows with ropes for cow slaughter and was smuggling them, a crime has been committed under Section 5/13(2), 17 HGS GS ACT 11-59-60 ANIMAL CURELTY ACT. If it is found to be true, a complaint should be lodged and a case should be registered. SI Ajay 661/ Palwal police station is there, after which the case number should be informed, for further action in the case, other competent officer should be sent to the spot. PSI is waiting for the spot, today KGP Road Chhajjunagar SD-SACHIN PSI PS CHANDHUT DT. 10.03.2025..."

3 **Contention**

On behalf of the petitioner

Learned counsel for the petitioner would argue that the petitioner was not in the vehicle at the time of apprehending the same when co-accused was driving it after having taken it from the petitioner. He further argued that the petitioner is first time offender aged 24 years and has no such like history on any earlier occasion. No other argument has been raised on behalf of the petitioner.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Sushil Bhardwaj, Addl. AG. Haryana, accepts notice on behalf of respondent/State. He vehemently opposes the prayer made in the instant petition on the ground that the petitioner did not possess the requisite permission as mandated under Section 7 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015. Furthermore, he submits that the manner in which three cows and a small calf were tied amounts to inhuman treatment; the animals were forcibly apprehended, sustained injuries, and required immediate medical attention to preserve their lives.

In light of the above, he contends that custodial interrogation of the petitioner is imperative to investigate possible links to the illegal transportation of animals, which may be connected to the unlawful slaughter of cows and beef.

4. Analysis

Heard counsels for both parties.

Be that as it may, the offence alleged in the present FIR deals with the allegation of slaughtering a cow in conscious defiance of existing law and in utter disregard to the sentiments of the community at large.

In the present case, petitioner was not having requisite permission as mandated under Section 7 of the Act, thereby engaging in illegal activity. The manner in which the three cows and a small calf were tied constitutes manifestly inhuman treatment. The animals were forcibly seized, sustained injuries, and required urgent medical care to preserve their lives. Such conduct not only contravenes statutory provisions but also raises serious concerns about the petitioner's blatant disregard for animal welfare and public safety.

The present offence, apart from its legal implications, is laden with emotional and cultural undertones, given the unique status of the cow in Indian

society. This Court cannot remain oblivious to the fact that in a pluralistic society like ours, certain acts, while otherwise private, can have severe repercussions on public peace when they offend the deeply held beliefs of a significant population group. It is also apposite to recall that in *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat*, (2005) 8 SCC 534, the Supreme Court upheld the constitutional validity of cow slaughter prohibitory laws and recognised the constitutional directive under Article 48 of the Constitution of India as reflecting the moral and economic ethos of our society. The cow, the Court said, is “not only a pious animal but also an integral part of India’s agrarian economy.” Our Constitution does not merely protect rights in abstraction; it seeks to build a just, compassionate, and cohesive society. Article 51A(g) Constitution of India enjoins every citizen to show compassion to all living creatures. It is in this context that the alleged act of cow slaughter committed, deliberately and provocatively strikes at the core of constitutional morality and social order.

This Court is conscious of the need to safeguard individual liberty. But where such liberty is demonstrably misused. The law must respond with firmness. The right to bail is not to be confused with the right to impunity.

The facts and circumstances presented before this Court reveal that the petitioner has been implicated under serious allegations punishable under Sections 13(2), 5 and 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, and Section 11 of the Prevention of Cruelty to Animals Act, 1960. As per the prosecution version, the petitioner was apprehended along with a co-accused on the basis of specific and credible secret information received by the police. At the time of apprehension, four cows were discovered tied with ropes in a canter vehicle that belonged to the petitioner, wherein they were kept in

deplorable condition, thereby giving rise to a strong suspicion of the involvement of the petitioner in activities relating to cow slaughter.

5. **Relief**

Considering the gravity of the allegations and the necessity to investigate further, including potential involvement in illegal transportation and possible slaughter of cattle, custodial interrogation of the petitioner is essential. Granting anticipatory bail at this stage would impede the investigation and undermine the enforcement of the law. Therefore, the prayer for anticipatory bail deserves to be rejected.

The petition stands dismissed in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

21.08.2025

Meenu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No