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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.42562 of 2025
Date of decision: 06.08.2025

Javed ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Hukam Singh, Advocate,
for the petitioner.

Mr. Apoorv Garg, Addl. AG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
271	12.09.2021	Sadar Tauru, District Nuh	5/13(2) and 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and 11, 59 and 60 of Prevention of Cruelty to Animals Act, 1960

2. As per the allegations, on 12.09.2021, a police party was present at Village Nuh Tauru road in connection with crime detectioin duty when a secret information was received that the accused Sahajad,

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Infan, Jafri, Harun, Sakir and Aasu were travelling in an Eicher canter bearing registration No.HR-73A-7805. They were carrying cows in the said vehicle which had been hit with a tree and was lying parked at Village Kagarka. It was also informed that those cows had been brought for slaughtering purpose. Believing the secret information to be true, the police party immediately rushed towards the informed place. The aforementioned vehicle was found hit with a tree and its front portion was totally damaged. On checking the body of the vehicle, 12 calves, 1 bull and 2 cows were found kept in the same. They were tied in a brutal manner. A case was registered against the above named persons. Investigation proceedings were initiated. None could be found at the spot. The accused Ashu was arrested on 13.09.2021. The accused Jafri @ Jafar Iqbal was arrested on 26.05.2023. He suffered disclosure statement to the effect that the vehicle was driven by the petitioner at that time and they were carrying the cattle for slaughtering purposes. The petitioner was nominated as an accused. Apprehending his arrest, he filed an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Nuh vide order dated 07.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He was not named in the FIR. He was neither the driver nor owner of the

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vehicle from which the alleged recovery of cattle had been effected. The co-accused Harun and Mohd. Shehzad has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, therefore, argued that the petition deserves to be allowed.

4. Notice of motion.

5. Mr. Apoorv Garg, Addl. AG, Haryana has advance notice of the petition and is ready to argue the matter. It is submitted by him that there are serious allegations against the petitioner. He was driver of the vehicle which was used for carrying cattle for slaughtering purposes and were kept in a brutal manner to commit cruelty upon them. No exceptional or extraordinary circumstance for grant of bail is made out. For conducting deeper and proper investigation in the matter, the custodial interrogation of the petitioner is must. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner along with the co-accused is alleged to have carried cattle in the vehicle No.HR-73A-7805 for the purpose of slaughtering. They were found tied in a brutal manner. For the purpose of eliciting information as to from where the cattle had been brought and for what purpose, they were to be used, the custodial interrogation of the petitioner is required. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of

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the accused but several other purposes. The powers of anticipatory bail are extraordinary and the same are to be exercised sparingly in exceptional circumstances. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.08.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No