



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

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CRM-M No.9263 of 2026 (O&M)

Date of Decision:16.03.2026

Juber**.....Petitioner****Versus****State of Haryana****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH****Present:** Mr. Aazam Khan, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

Seeking for the benefit of anticipatory bail, the instant petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023, in a case arising out of the FIR No.13 dated 17.01.2026, under Sections 3/13(1) and 8/13(3) of The Haryana Gauvansh Sansakrshan and Gausamvardhan Act, 2015, Police Station Sadar Tauru, District Nuh.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on a complaint submitted by 'Abhishek' son of 'Ajit Kumar Yadav', hereinafter being referred to as 'complainant' only. It was alleged by the complainant that he was an active member of a group involved in protecting cows from slaughtering. As per complainant on 17.01.2026, he received the information that 'Adil', 'Zubed', 'Najmuddin', 'Saquir' and 'Haka @ Hakam' were slaughtering a cow in the house of 'Zubed'. The complainant further stated that he along with his team went to



the house of 'Zubed' in village Silkho, where he found that 'Adil', 'Zubed', 'Najmuddin', 'Saquir', 'Hakam' and the wife of 'Zubed' were involved in slaughtering of cow and cutting the same into pieces. The complainant also alleged that when they reached the spot the above named persons managed to flee from the spot.

3. It is the case of the prosecution that in view of above mentioned complaint the formal FIR of this case was lodged and the spot was inspected by a team headed by 'ASI Anil Kumar'. The above said team found that 120 Kg. beef was there on the spot. According to prosecution, a veterinary doctor was called on the spot, who after examination, verified that the meat recovered on the spot was beef and submitted his report in that regard. As per prosecution further investigation in the above mentioned case is going on.

4. Heard.

5. It has been contended on behalf of the petitioner that the petitioner is innocent, who has been falsely implicated in the present case. According to learned counsel for the petitioner nothing has been recovered from the possession of petitioner, and that even in the FIR the name of petitioner has been wrongly mentioned as 'Zubed' instead of 'Juber'. While claiming that the petitioner has no criminal antecedents, and that without any legal basis he is being implicated in the present case, the learned counsel for the petitioner has sought for the benefit of anticipatory bail for the petitioner.

6. The learned State counsel has controverted the above mentioned



arguments. According to learned State counsel in the present case one of the most important aspect is that there is no denial of the fact that the place from where beef was recovered is the residential house of the petitioner. According to learned State counsel, once the beef was recovered from the house of petitioner, it is the duty of the petitioner to explain the circumstances under which the beef, prohibited in the State of Haryana, was found in his house. As per learned State counsel the petitioner instead of giving an explanation is absconding and that the abovesaid conduct of the petitioner makes it abundantly clear that he was actively involved in the commission of crime. It has also been contended by learned counsel for the petitioner that in order to find out the source from where the beef was procured and also the place where it was supposed to be supplied, the custodial interrogation of the petitioner is necessary.

7. The record has been perused carefully.

8. In the present case the petitioner is seeking the benefit of anticipatory bail. The parameters which should be followed while dealing with a petition for anticipatory bail, have been laid down by the Hon'ble Supreme Court in the case of 'Srikant Upadhyay v. State of Bihar' 2024 SCC OnLine SC 282. In the above mentioned case it has been observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot by any stretch of imagination, be said that anticipatory bail is a rule.

9. The Hon'ble Supreme Court of India in the abovementioned case further observed that rule of anticipatory bail is a question of judicial



discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

10. Similarly, in the case of 'Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another' (Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024), the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

11. In the case of 'Gurbaksh Singh Sibbia etc. v. State of Punjab' 1980 SCC (2) 565, the Hon'ble Supreme Court of India held that:-

- (1) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (2) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (3) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can



be made out, the power under Section 438 should not be exercised.

12. It the factual matrix of the present case is analysed in the light of above mentioned principles of law, it transpires that in the present case there are very specific allegations against the petitioner, to the effect that the beef was found inside the residential house of the petitioner. Since the petitioner fled from the spot, and he is absconding since then, the investigating agency is deprived of its right of custodial interrogation of the petitioner, to find out the source of supply of above mentioned beef. In addition to above, it is also relevant to mention here that the right of custodial interrogation of the accused is a valuable right of the investigating agency and as per settlement principles of law in ordinary course the investigating agency should not be deprived of such right.

13. In the present case the conduct of the petitioner and the facts and circumstances of the case shows that the petitioner, who is absconding does not deserve the exercise of extra ordinary discretion in his favour. In the given fact situation, it is hereby held that the petitioner is not entitled for the benefit of anticipatory bail. Thus finding no merit, the present petition is hereby dismissed accordingly.

(SURYA PARTAP SINGH)
JUDGE

16.03.2026
Manoj Bhutani

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