



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CRM-M-15075-2026
Date of decision : 18.03.2026

PARKASH

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Rhythem Bajaj, Advocate
for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. This petition for pre-arrest bail, is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.5 dated 11.01.2026, for the commission of offence punishable under Sections 299, 281 of Bharatiya Nyaya Sanhita, 2023, Sections 3, 4, 4A of the Punjab Prohibition of Cow Slaughter Act 1955, and Section 12 of the Prevention of Cruelty to Animals Act, 1960, Police Station Khuhi Khera, District Fazilka.
2. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of 'Pankaj Swami', hereinafter being referred to as complainant only. It was stated by the above-named



complainant that he was an active member of a group dedicated for safety of cows and rescue them from slaughtering. As per complainant in the intervening night of 09/10 January 2026 their organization received a secret information that near village Kundal several cows were loaded in a pickup truck and they were being transported towards Fazilka. According to above-named complainant in view of above-mentioned information near village Jhumiyawali, they attempted to intercept the pickup vehicle, but the driver of the above-mentioned vehicle managed to flee from the spot, and therefore, the above-said vehicle had to be chased. According to complainant after covering some distance the pickup driver and his associate abandoned the above-said vehicle and fled from the spot. The complainant further alleged that when checked the pickup truck, they found that there were several cows in the truck, and that the above-mentioned action of the driver and other occupants of the pickup truck hurt the religious sentiments of the Hindus.

3. It is the case of the prosecution that pursuant to above-mentioned complaint formal FIR of this case was lodged, and the investigation taken up. It is the case of the prosecution that during the course of investigation, it was found that the pickup truck which was recovered by the complainant's organization belonged to the brother of the complainant, and that the complainant and his brother and other accused were involved in transporting the cows for slaughtering purpose.

4. Notice of motion.

5. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab, accepts notice on behalf of



respondent-State. Hence, the service of notice upon the State is hereby dispensed with.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is innocent, having no nexus, whatsoever with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, the petitioner has no criminal antecedent, and that the vehicle in question does not belong to the petitioner. The petitioner has further alleged that in fact his brother is the registered owner of the vehicle, seized in the present case and he has criminal antecedents also. According to learned counsel for the petitioner since the brother of petitioner is absconding, in order to put illegal pressure upon the petitioner, he has been implicated in the present case on the basis of so-called disclosure statement of co-accused, which is otherwise inadmissible in evidence. While claiming that no case against the petitioner is made out, a request for anticipatory bail of the petitioner has been raised.

8. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel in the present case there is specific allegations with regard to involvement of petitioner in the commission of crime, and that in order to fix the role of the petitioner in the above-mentioned crime, and also to find out the source from where cows were procured and where they were supposed to be supplied, custodial interrogation of the petitioner is necessary.

9. The record has been perused carefully.



10. It is pertinent to mention here that the petitioner is seeking extraordinary remedy by claiming the benefit of anticipatory bail. With regard to such relief, the Hon'ble Supreme Court in the case of 'Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282', has 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.

11. The Hon'ble Supreme Court in the abovementioned case has 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.

12. 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.

13. 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:-



- (i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (ii) 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.
- (iii) 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.

14. If the factual matrix of the present case, discussed above, is analyzed in the light of principles of law laid down in the above-mentioned cases, it transpires that in the present case in order to fix the exact role of petitioner in the commission of crime, and also to trace out the sources from where the cows were procured and where they were supposed to be supplied, including the purpose of supply, the custodial interrogation of the petitioner is of utmost necessity.

15 It is also relevant to mention here that right of custodial interrogation of an accused/suspect is a valuable right of the Investigating Agency and the denial of such right can be made only in exceptional circumstances. However, the factual matrix of the present case shows that no such exceptional circumstance exists in the present case.

16. Taking into consideration the cumulative effect of the entire discussion contained in the forgoing paragraphs, it is hereby observed that custodial interrogation of the petitioner in the present case is necessary, and



that he is not entitled for the benefit of anticipatory bail. Hence, finding no merit, the present petition is hereby **dismissed**.

(SURYA PARTAP SINGH)
JUDGE

18.03.2026

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