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

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CRM-M-16599-2026 (O&M)
Date of decision: 09.04.2026

Asruddin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Rosi, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No.23 dated 05.02.2026 registered under Section 25(1B) (a) of Arms Act and Sections 13(1), 13(3), 17, 3, 8 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Sections 109(1), 121(1), 132, 221, 324(3) of Bharatiya Nyaya Sanhita, 2023 (Section 307, 332, 353, 186, 426 of IPC) at Police Station Sadar Tauru, District Nuh.
2. The aforementioned FIR has been registered on the allegations that on 05.02.2026, on receipt of an information by a member of cow protection team that accused Kasam along with his family members was slaughtering cows in his house and was selling beef and that he could be caught red handed if a raid was conducted, a police party had rushed towards the house of accused Kasam along with members of the cow protection team. When they reached

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near his house, accused Kasam and his family members managed to escape leaving the beef and tools for slaughtering at the spot. One person was apprehended from the spot. On asking, he disclosed his name as Pappu son of Sube Khan. Beef and articles lying therein for slaughtering cows had been taken into custody by the police. In the meanwhile, 20-25 persons reached there and they tried to get accused Pappu released from the custody of the police officials. They vandalized the government vehicle as well as vehicles brought by the members of the cow protection team and used fire arms. They got accused Pappu released from the custody of the police officials by opening an attack upon the police personnel and then fled away from the spot. A secret information was received that the petitioner along with accused Shokeen, Rahul, Salmu, Kuppa etc. was amongst the persons, who had opened a deadly attack upon the police officials and members of the cow protection team. The petitioner was as such nominated as accused in this case. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Nuh, vide order dated 16.03.2026.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. No specific overt act has been attributed to him. He has clean antecedents. He is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not required. No useful purpose would be served by detaining him into custody. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of anticipatory bail.

4. Status report has been filed by the respondent-State. Learned State

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counsel has argued that there are serious and specific allegations against the petitioner, who, by forming membership of an unlawful assembly with the co-accused, had opened a murderous attack upon the police officials and the members of the cow protection team and had also caused obstruction in lawful performance of duties of the police officials. The petitioner was armed with a *Kappa*. He was also named in the disclosures of co-accused Kasam and Ambar. No exceptional or extraordinary circumstance has been made out for grant of anticipatory bail to him. For conducting thorough and proper investigation in the matter, his custodial interrogation is must. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner along with the co-accused is alleged to have formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, is further alleged to have opened an attack upon the police officials with intent to kill them. He along with the co-accused is also alleged to have caused obstruction in performance of their official duties with intention to get co-accused Pappu released, who was apprehended by the police on the allegations of slaughtering cows. He was not named in the FIR but his implication is based on a secret information. He has duly been named by co-accused Kasam and Ambar. The allegations make out a prima facie case for commission of alleged offences. His custodial interrogation is required for conducting thorough and proper investigation in the matter. No exceptional circumstance has been made out in his favour for grant of anticipatory bail. In case his custodial interrogation is denied to the investigating agency, the same will leave many glaring loopholes and gaps adversely affecting the

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investigation. The powers under Section 482 of BNSS are extraordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. 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.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

09.04.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No