

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:068756



105

CRM-M-24900-2026 (O&M)

Date of decision:04.05.2026

Hanif @ Hanni

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Munish Gulati, Advocate for the petitioner.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case arising out of FIR No.14, dated 18.01.2022, registered under Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Sections 120-B and 307 IPC and Section 11 of the Prevention of Cruelty to Animal Act, 1960 (offences under Sections 5 and 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 25 of the Arms Act and Sections 181, 192 of the MV Act added lateron), at Police Station Sadar Palwal, District Palwal.

2. As per the allegations, on the night of 18.01.2022, on receipt of an information from one Rahul, a member of Gaurakshak Dal, a

barricade was laid at KMP Toll area. As per the information received, one container vehicle was found coming from the Palwal side. On seeing the police officials at the barricade, the driver of the said container vehicle tried to flee after taking a reverse turn. In the meanwhile, some other members of Gaurakshak Dal had also reached there. The occupants of the vehicle fired shots upon the police officials and members of Gaurakshak Dal, thereby making an attempt to kill them. Thereafter, they managed to flee after leaving the vehicle at the spot by taking advantage of fog and darkness. On conducting search of the vehicle, one live cartridge, one knife and 18 cows for slaughtering purposes were recovered from the same. There was no number plate installed on the vehicle. Even the engine and chasis numbers were not visible.

3. After registration of the FIR, investigation proceedings have been initiated. 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, Palwal vide order dated 17.04.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No efforts to apprehend him have been made by the Investigating Agency from the last more than 04 years and now he is sought to be apprehended. He was only working as a driver of the container in question on hiring basis and had no knowledge about the material kept in the same. He had no involvement in transportation of the cattle or in commission of subject offences. The ingredients for commission of offence under Section 307 IPC are not at all attracted qua

him. No recovery is to be effected from him. He is ready to join the investigation. His custodial interrogation is not required. It is, therefore, argued that the petition deserves to be allowed.

5. Notice of motion.

6. On the asking of the Court, Ms. Himani Arora, learned DAG, Haryana has accepted notice of the petition and is ready to argue the matter. It is submitted by her that the petitioner is evading his arrest since long. He was named in the FIR and the allegations against him are specific. He was an active participant in the occurrence. For the purpose of conducting thorough and proper investigation into the matter, his custodial interrogation is must. Even otherwise, no extraordinary or exceptional circumstance to exercise powers for grant of pre-arrest bail in favour of the petitioner is made out. It is, therefore, stressed that the petition does not deserve to be allowed.

7. This Court has heard the rival submissions made by learned counsel for the parties.

8. The petitioner along with co-accused is alleged to have carried cows for slaughtering purposes in a container vehicle, which was driven by him at the time of occurrence. As per the allegations, when the police officials tried to stop the vehicle, the petitioner and the co-accused had fired shots upon them with some firearms with an intent to kill them. The allegations make out a *prima facie* case for commission of subject offences as against the petitioner. The petitioner has been evading his arrest from the last more than 04 years. For the purpose of conducting deeper and thorough probe into the matter, custodial interrogation of the

petitioner is must. It is well settled proposition of law that powers for grant of anticipatory bail should be exercised in exceptional and extraordinary circumstances and not in routine manner. No such circumstance, however, has been made out in this case. If the petitioner is given the shield of anticipatory bail that shall leave many glaring loopholes and gaps, thereby adversely affecting the investigation. The Court is also required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Accordingly, finding no compelling ground to allow the petition, the same is dismissed.

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

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

04.05.2026

harjeet

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

(MANISHA BATRA)
JUDGE