

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

CRM-M-33250-2026

Date of decision: 16.06.2026

Mustakeem

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Nafees Ahmad Khan, Advocate
for the petitioner (through VC).

RAJESH BHARDWAJ, J.

1. Petitioner has approached this Court praying for grant of anticipatory bail to him in case FIR No.61 dated 08.05.2026, under Sections 3, 13(1), 8, 13(2) of Haryana Gouvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Bichhor, District Nuh.

2. Succinctly the facts of the case are that on 08.05.2026, the police party was present in Village Jharokdi for the purpose of crime prevention, where a secret informer came and informed that Shakil, Hassa, Mustakeem (present petitioner), Jamshed, Azad and Sagoon, were involved in the business of cow slaughtering. It was also informed that, that day also they were planning to slaughter a cow in the fields near the canal bank of Village Nai and if raid is conducted, they could be apprehended alongwith cows and slaughtering weapons. Finding the information reliable, raiding team was constituted and they reached at the place disclosed by the secret informer and found six persons slaughtering the cows. On seeing the police party, they fled away from the spot. The secret informer identified the persons who fled away from the spot as Shakeel, Hassa, Mustakeem,

Jamshed, Azad and Sagoon. On checking the said place, the police party saw two oxen whose neck were cut and legs were tied with ropes as well as skin was scattered alongwith one motorcycle bearing no. HR-93-4558 make Hero Splendor, four legs of ox and slaughtering weapons i.e. one knife, one axe, one wooden log and two ropes were recovered and same were taken into police custody. On the basis of the same, police has registered the present FIR. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Nuh praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, learned Additional Sessions Judge, Nuh, dismissed the petition filed by the petitioner vide his order dated 02.06.2026. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that nothing has been recovered from the custody of the petitioner and he has been named only on the basis of secret information. He submits that the police has falsely registered FIR No.49 dated 22.04.2026 against the petitioner on the basis of secret information and just after two weeks, present FIR has been lodged against him. He submits that there is no direct evidence against the petitioner connecting him with the alleged crime. He relies upon the judgment titled as **Joginder Kumar Vs. State of UP (1994) 4 SCC 260 and Smt. Amarawati and another Vs. State of UP, 2005 CrL L.J. 755.** He thus submits that there being no *prima facie* having been made out against the present petitioner, he deserves to be granted anticipatory bail.

4. Notice of motion.

5. Mr. Vishal Singh, AAG, Haryana accepts notice on behalf of the

State.

6. Learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that serious allegations have been levelled against the petitioner. He submits that during the raid, the petitioner was duly identified by the secret informer however, on seeing the police party, he ran away from the place of occurrence. He submits that from the place of occurrence, two oxen whose necks were cut and legs were tied with ropes, four legs of another ox and slaughtering weapons i.e. one knife, one axe, one wooden log and two ropes, were recovered. He, on instructions, submits that the petitioner is a habitual offender who is involved in 05 more FIRs for the commission of offence of similar nature. He submits that the custodial interrogation of the petitioner is essential to properly investigate the case, recover evidence and identify other accused persons. He submits that the investigation is at initial stage, thus, no case for the grant of anticipatory bail to the petitioner is made out and the present petition being devoid of merit deserves to be dismissed.

7. After hearing counsel for the parties and perusing the record, it is deciphered that the present FIR was lodged on the basis of secret information and on receipt of which, raid was conducted by the police and the petitioner was duly identified by the secret informer. There are serious allegations against the petitioner and the co-accused who are involved in the offence of cow slaughtering. Recovery of two oxen whose necks were cut and legs were tied with ropes, four legs of another ox as well as slaughtering weapons i.e. one knife, one axe, one wooden log and two ropes, were effected from the place of occurrence. As submitted by the State counsel, petitioner is a habitual offender who is facing prosecution in 05 more FIRs registered for the similar offence. To unearth the nexus of the petitioner

regarding cow slaughtering, the custodial interrogation of the petitioner is very much required. Needless to say that the investigation is at initial stage.

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

- 1. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
- 2. When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions*

which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.”

10. The Hon'ble Supreme Court in ***State Vs. Anil Sharma, (1997) 7SCC 187***, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”*

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* found. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the overall facts and circumstances of the case, the

petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

16.06.2026
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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