

CRM-M- 66476 of 2025

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

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**CRM-M-66476 of 2025
Date of Decision: 29.01.2026**

Mustak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Nafees Ahmad Khan, Advocate
for the petitioner.

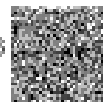
Mr. Mohit CFhaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.372 dated 15.06.2024 registered under Sections 13(2), 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of Prevention of Cruelty to Animal Act, 1960 and Sections 120-B, 186, 279, 336, 353 & 429 of IPC, at Police Station Adarsh Nagar, District Faridabad.

2. Brief facts of the present case are that on 15.06.2024, ASI Surender, along with his fellow police officials was on patrolling duty and on the basis of secret information, intercepted a canter occupied by the petitioner and co-accused. On checking, total 17 cows were found cruelly tied with rope in the canter, out of which 15 were alive and two were dead.

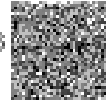
Hence, the present FIR.



3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has not committed any such offence as alleged by the prosecution. He submits that the petitioner was neither arrested from the spot nor any recovery has been effected from him. He further submits that the story of the prosecution is highly improbable that despite the presence of the police and Gau Raksha Dal, the petitioner managed to flee from the spot. Learned counsel for the petitioner further submits that the custodial interrogation of the petitioner is not required for any recovery and he is ready and willing to join the investigation as and when called upon to do so by the investigating agency. Hence, he prays that present petition be allowed.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Palwal, vide order dated 14.10.2025.

5. On the other hand, learned State counsel has already filed the status report in the matter and while relying upon the same, has opposed the prayer of the petitioner for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature and he has played an active role in the crime. He argues that the petitioner has been specifically named in the FIR. He further submitted that the petitioner used to sell the cows for slaughter along with co-accused and his custodial interrogation is required for fair and proper investigation in the matter as

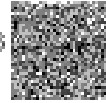
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well as to find out the modus operandi of accused and also to know as to from where the cows were procured for slaughtering. He further submits that the petitioner's name was also revealed in the disclosure statement of co-accused Praveen, whose anticipatory bail application has already been dismissed by Coordinate Bench of this Court vide order dated 15.10.2024. He further submits that the petitioner is involved in three more cases meaning thereby he is a habitual offender. Hence, he prays for dismissal of the petition.

7. Heard.

8. In the present case, the petitioner is specifically named in the FIR and the allegations against him are serious in nature. As per the investigation, the petitioner is involved in selling cows for slaughter and his name also find mentioned in the disclosure statement of co-accused Parveen. While considering the plea for grant of anticipatory bail, this Court is required to consider the overall nature of offence and accusations against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection to the petitioner, at this stage. Granting anticipatory bail to the petitioner with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding



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individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma**', (1997) 7 SCC 187, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable 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 information 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."

10. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. The custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being

devoid of merits is accordingly dismissed.

11. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

29.01.2026

(RUPINDERJIT CHAHAL)
JUDGE

monika

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No