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2025:PHHC:099601



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42090-2025 (O&M)
DECIDED ON: 05.08.2025

AASIF

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Rosi, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 praying for anticipatory bail to the petitioner in FIR No. 111, dated 03.04.2025, under Sections 13(2) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 11 of Prevention of Cruelty to Animals Act, 1960, P.S. Sadar Nuh, District Nuh.

2. Brief facts of the case reads as under:-

“To, The Station House Officer Sadar Nuh Jai Hind. Today I, ASI with Constable Sudhir number 714/2007 Batt Prakash no. 464 along with vehicle bearing number HR-96GV-9696 driver Vijendra Kaushal was present on Tawadu road near Palla turn for prevention of crimes Prevention duty when the secret informer has met and given information that Tasleem son of Shahid resident of Dalabas, Police Station Mohammadpur Ahir and Aman son of Satish Kumar resident

of Baraut Uttar Pradesh and Asif son of Kanhaiya resident of Ghasera, Police station Sadar Nuh together do the business of cow slaughter and today also they will come in a vehicle Tata Intra No. DL 1 LAN 8186 from Nuh side to via Palla hill to Kulavat Rajasthan for slaughtering. Vehicle is being driven by driver Aman son of Satish Kumar resident of Baraut Uttar Pradesh. Along with him is Asif s/o Kanhaiya resident Ghaseda, Police Station Sadar Nuh. And in front of the vehicle, Tasleem son Shahid resident Dalabas who is giving information to Police riding on an Apache motorcycle without number plate while piloting the vehicle is going on ahead. If a blockade is done here, the accused can be caught red handed with the vehicle or the motorcycle along with the cattle. The information was found to be true and a blockade was done near Palla turn on Nuh Taudu Road. Passersby were told about the blockade, all of whom expressed their legitimate compulsion and went away without revealing their names and addresses. After about 10 minutes, a motorcycle was seen coming from Nuh with a car ahead and a car behind it. On coming closer on the informer's signal, the ASI signaled the motorcycle and the car driver to stop, the motorcycle driver started running away from the side, due to the unevenness of the road, he fell down along with the motorcycle, which was caught by Constable Sudhir after running and 1 person from the vehicle No. DL 1 LAN 8186 escaped from the driver's side window. Person started running away by hitting the conductor's side window. Person coming from the driver's side was caught by ASI. Person coming from the conductor's side managed to escape taking advantage of the darkness. On asking the identity of the motorcyclist asked by Constable Sudhir, he told his name as Tasleem son of Shahid resident of Dalabas, Police Station Mohammadpur Ahir, District Nuh. On checking the front and rear numbers of the motorcycle, no registration number was found and on checking the watch and engine number, they were found worn out. On asking the identity of the driver, he told his name as Aman son of Satish Kumar resident of Badol, Police Station Baghpat, District Baghpat, currently resident

of Shiv Vihar Indirapuri Vishnu Garden Street no. house 527 city Loni, District Ghaziabad, Uttar Pradesh And told the name of person who was running from conductor side as Asif son of Kanhaiya resident of Ghasacda, and on looking at the front and back number of the vehicle, it was found that Vehicle No. DI. I LAN 8186 was written. On checking the vehicle, 2 cows were found hungry and thirsty, which were packed in the cabin of the vehicle. A shed was found in a plastic bag, a knife, an axe and after keeping them in a plastic bag, a palanquin was prepared, which was completely sealed with a cowherd of Rs. 15, which was later handed over to Si. Sudhir with the seal. The recovered palanquin along with Vehicle No. DI I LAN 8186 along with 2 cows Apache motorcycle without number plate, whose engine and chassis number were worn out, was seized by police on a paper which was signed by the accused and the witness. The accused Tasleem son of Shahid resident of Dalabas, Police Station Mohammadpur Ahir, Aman son of Satish Kumar resident of Baraut Uttar Pradesh, Asif son of Kanhaiya resident of Ghaseda, Police Station Sadar Nuh, piloting a motorcycle, drove vehicle No. DL 1 LAN 8186 with 02 cows stuffed in a wooden form, keeping cow slaughtering tools and taking them from Haryana State to Rajasthan State for slaughtering, the crime was committed under section 5/13 (2) 17 HG5 GS Act, 11-59-60 AC Act. A complaint was written and Constable Sudhir No. 714/ Nuh is present at Police station of Nuh for registration of case. After that inform with the complaint number and for further investigation of the case other investigator should be sent to the spot. I ASI along with my fellow staff is present at the spot with accused in the case. Today - Nuh-Tawadu Road Near Palla Mode SD- Jagat Singh ASI CS STAFF NUH DT-03.01.2025 AT-9:30 PM Today- Police Station - At this time a written complaint has been received by ASI Jagat Singh CS STAFF NUH against Tasteem son of Shahid resident of Dalabas Police Station Mohammadpur Ahir, Asif son of Kanhaiya resident of Ghaseda Police Station Sadar Nuh and Aman son of Satish Kumar resident of, Police Station Bagpat, District Bagpat Uttar Pradesh,

currently residing at Shiv Vihar Indrapuri Vishnu Garden, Lane No. House 527, City Loni, District Ghaziabad, UP, Bahad Area Palla Rakba, the above mentioned accused were taking 2 cows from Haryana State to Rajasthan vehicle number DLILAN8186, after stuffing them in it. Upon receipt of the above-mentioned complaint from Constable Sudhir-714/Nuh at Police Station Haza, action will be taken. Case No. 111 dated 03.04.2025 under section 5/13 (2) 17 HGS GS ACT 11-59-60 AC ACT at Police Station Sadar Nuh has been registered. A formal copy of the FIR will be prepared on CCTNS through computer and sent to the service of Area Magistrate, Assistant and higher officers through Bajaria Post. The copy of the FIR and the original complaint are being sent through Arinda Constable at the place of incident and SI Bacchu Singh CS STAFF NUH has been informed for further investigation.

3. Contentions:

On behalf of Petitioner:

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further contended that co-accused Aman has already been granted regular bail by this Hon'ble Court vide order dated 22.04.2025, and the case of the present petitioner stands on similar footing.

It is also argued that there is no recovery to be effected from the petitioner, and therefore, custodial interrogation is not warranted.

The counsel further submits that the petitioner is ready and willing to join the investigation and undertakes to cooperate with the investigating agency as and when required.

Notice of Motion

On Behalf of State:

On asking of Court, Mr. Sushil Bhardwaj, Addl. AG. Haryana accepts notice on behalf of respondent-state and vehemently opposes the present petition for grant of anticipatory bail.

Learned State counsel submits that the allegations levelled against the petitioner in the present FIR pertain to the offence of cow slaughter being grave and of a serious nature. It is further contended that the petitioner was apprehended from the place of occurrence and is actively involved in the commission of the alleged offence of cow slaughter. Thus, his custodial interrogation is imperative for a fair and effective investigation.

The State counsel further argues that the petitioner does not stand on the same footing as co-accused Aman, who has been granted bail, and therefore, the principle of parity is not applicable in the present case. It is averred that there exists a reasonable apprehension that the petitioner, if released on bail, may influence prosecution witnesses or tamper with the evidence, thereby hampering the course of justice.

4. Analysis

Heard counsels for both parties.

Be that as it may, the offence alleged in the present FIR deals with the allegation of slaughtering a cow in conscious defiance of existing law and in utter disregard to the sentiments of the community at large.

It is evident from the material placed on record that the petitioner is not a first time offender. He is alleged to have previously been involved in three other FIRs pertaining to similar offences. In those cases, the petitioner was granted the benefit of bail as a gesture of judicial trust, which appears to have been misused, rather than respected.

The court is of the view that the protection under Section 482 BNSS. is not an open invitation for habitual offenders to escape the process of law. Anticipatory bail is a discretionary relief, intended to protect innocent individuals

from motivated or arbitrary arrest not to provide sanctuary to those who repeatedly violate the law with impunity. The Hon'ble Supreme Court in ***Lavesh v. State (NCT of Delhi)*, (2012) 8 SCC 730**, unequivocally held that a person with criminal antecedents is not entitled to the extraordinary remedy of anticipatory bail. The Court emphasized that where the applicant has been shown to be habitually offending or where his custodial interrogation is necessary for fair investigation, the protection of pre-arrest bail should not be granted.

The present offence, apart from its legal implications, is laden with emotional and cultural undertones, given the unique status of the cow in Indian society. This Court cannot remain oblivious to the fact that in a pluralistic society like ours, certain acts, while otherwise private, can have severe repercussions on public peace when they offend the deeply held beliefs of a significant population group. It is also apposite to recall that in ***State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat*, (2005) 8 SCC 534**, the Supreme Court upheld the constitutional validity of cow slaughter prohibitory laws and recognised the constitutional directive under Article 48 of the Constitution of India as reflecting the moral and economic ethos of our society. The cow, the Court said, is “not only a pious animal but also an integral part of India's agrarian economy.” Our Constitution does not merely protect rights in abstraction; it seeks to build a just, compassionate, and cohesive society. Article 51A(g) Constitution of India enjoins every citizen to show compassion to all living creatures. It is in this context that the alleged act of cow slaughter committed repeatedly, deliberately, and provocatively strikes at the core of constitutional morality and social order.

This Court is conscious of the need to safeguard individual liberty. But where such liberty is demonstrably misused, and where the petitioner's

conduct is indicative of recidivism, the law must respond with firmness. The right to bail is not to be confused with the right to impunity.

The facts and circumstances presented before this Court reveal that the petitioner has been implicated under serious allegations punishable under Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, and Section 11 of the Prevention of Cruelty to Animals Act, 1960. As per the prosecution version, the petitioner was apprehended along with a co-accused on the basis of specific and credible secret information received by the police. At the time of apprehension, the petitioner was found seated in a canter vehicle wherein two cows were discovered tied with ropes, kept in deplorable condition, and without food, thereby giving rise to a strong suspicion of their involvement in activities relating to cow slaughter.

It is also noted by the Court that the contentions raised by the petitioner that he is at parity with the co-accused Aman already released on the concession of regular bail merits rejection. As per the material placed on record, the co-accused was taken into custody on 04.04.2025 and was only released on regular bail after investigation. The circumstances of release of the co-accused Aman, cannot be said to be on the same footing as the present petitioner as the present petitioner is praying for the concession of Anticipatory bail.

In view of the aforementioned, considering the serious nature of the allegations involving offences of moral turpitude, coupled with the fact that the petitioner is a habitual offender with a likelihood of reoffending, this Court is of the opinion that no grounds are made out for grant of anticipatory bail. The possibility of the petitioner indulging in similar unlawful activities in the future, or tampering with the investigation, cannot be ruled out. Hence, the present petition deserves to be dismissed.

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5. Relief:

The jurisprudence of bail, as has evolved through our courts, teaches us to tread with caution to preserve liberty without compromising justice, order, and social equilibrium. The facts of the present case tilt the balance against the grant of protection under Section 482 BNSS and thus the court is not inclined to invoke the same in favor of the present petitioner in wake of his criminal antecedents and the grave and serious nature of the allegations in the present FIR.

The petition stands dismissed.

05.08.2025*Meenu***(SANDEEP MOUDGIL)
JUDGE***Whether speaking/reasoned* :Yes/No*Whether reportable* :Yes/No