

CRM-M-16494-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr.No.218

Case No. : CRM-M-16494-2023 (O&M)

Date of Decision : May 25, 2023

Shrif Petitioner
vs.
State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Azad Khan, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

Prayer in this petition, filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in case FIR No.0411 dated 10.11.2022, under Section 13(2) of the Haryana Gauvans Sanrakshan and Gausamvardhan Act, 2015 and Sections 279, 307, 336, 34, 427 IPC and Section 11 of the Prevention of Cruelty to Animals Act, registered at Police Station Sector 56, District Gurugram.

The case in question was registered at the instance of Premjeet son of Devender Singh. The contents of FIR are as under :-

“To SHO, Police Station, Sector-56, Gurugram, it is requested that I am Premjeet son of Devender Singh resident of village Mohammadpur Jharsa, District Gurgaon. I am worker of Bajrangdal. Today night at about 01:40 AM, worker of Bajrangdal got information from village Tigra, Gurugram that 5/6 persons in a white Bolero

pickup loaded with cows, went towards Rajasthan through Mewat, from Badsahpur, for the purpose of cow-slaughtering. Upon this, I and my companion Surender son of Jagan, resident of village Mohammadpur Jharsa, took our pickup vehicle no. HR-45-B-6292 and proceeded towards Badsahpur and the members of the Bajrangdal Sahil son of Mahipal, resident of Mohammadpur Jharsa and Vinod son of Karan Singh, resident of village Dhana Manesar also proceeded towards Badsahpur in their vehicle Creta No.HR-26-DG-9527 and Mohit @ Monu from village Manesar also proceeded towards Badsahpur. I sent Sahil and Vinod to search the vehicle loaded of cows towards Ullawas. While searching, at about 02:20 AM, when we reached at Darbaripur turn on Sohna-Gurugram Road in Badshahpur, we saw a pickup going through Darbaripur Road, wherein we saw that cows were loaded mercilessly in the pickup. When we signalled the pickup to stop, these people rammed their vehicle in ours from side and speeded up their vehicle rashly towards 200 Foota road, Rajesh Pilot Chowk through Vatika Chowk. I and Surender chased them in our own car and I informed my members of Bajrangdal that we are chasing a car loaded of cows. Three people were sitting in the cabin of the pickup and three people were sitting in the body of the vehicle. By the time, these people started pelting stones and by opening the door of the vehicle they threw three cows in front of our vehicle and when we tried to stop their vehicle by overtaking it, these people tried to kill us by running over us their pickup and

while hitting the side of our vehicle, the cow smuggling vehicle again overtook us. We had a narrow escape. Driver of cow-smuggling pick up turned over the vehicle in a rash and negligent manner a little ahead of Village Tigra turn. One of the cow smugglers, sitting at the back side of the vehicle, came under the vehicle and three persons, along with the driver of the vehicle, fled from the spot and we took out two persons, who came under the vehicle. They had serious injuries. These two cow-smugglers caught on the spot told their names as Iklas son of Asu, resident of Village Salhedi (Nuh) and Sarif s/o Abdul Rahman, resident of Village Hussainpur (Nuh) and the name of the person, who came under the vehicle, was told as Waris son of Mubeen, resident of Village Hussainpur (Nuh). We informed the police on the spot and sent the injured smugglers to the hospital for treatment. The number of the pickup vehicle was written in Hindi on the number plate and the same was HR-74-A-7605. Legal action should be taken against Iklas, Sarif and Waris aforesaid, along with their other three companions, for their merciless act of transportation of cows in a pitiable condition from Gurugram to Rajashtan for the purpose of slaughtering.”

Learned counsel for the petitioner has submitted that the petitioner is in custody since 10.11.2022. Challan has been presented in this case. Nothing has been recovered from the possession of the petitioner. Therefore, the petitioner be granted concession of regular bail.

Pursuant to order passed by this Court on the last date of hearing, Status Report by way of affidavit of Abhilaksh Joshi, HPS, Assistant Commissioner of Police, Headquarter, Gurugram, has been filed, which is ordered to be taken on record.

Learned State counsel has opposed the prayer made by learned counsel for the petitioner regarding concession of bail to be given to the present petitioner and has submitted that the petitioner was also found to be involved in another case. He refers to Para 13 of the Status Report which reads as under :-

“13. That as per available record, the petitioner has been found to be involved in another FIR No.155 dated 20.02.2019 u/s 5/13(2), 17 of Haryana Gauvansh Sanrakshan and Gau Samvardhan Act, 2015, 11/59/60 of Animal Cruelty Act, 25/54/59 Arms Act and 279, 307, 336, 186, 353, 120-B IPC, at P.S. Nuh, Distt. Mewat. The petitioner is on bail in the said FIR.”

Heard.

A perusal of the paper-book shows that in Para 17 of the petition, it is mentioned that petitioner is not involved in any other case, meaning thereby that the petitioner has misled this Court. Para 17 of the petition reads as under :-

“17. That there is no any other case against the petitioner and petitioner is not a proclaimed offender and there is nothing to be recovered from the petitioner.”

There is apparent concealment of registration of an earlier case against the petitioner and there is no explanation of the same. So, petitioner is not entitled for grant of relief in this petition only on the ground that he has concealed an important fact from this Court. There is no explanation for the same.

Looking from another angle, the allegations against the petitioner are very serious. He, along with others, was carrying cows in a pitiable condition in a Bolero pick-up during midnight. When the complainant tried to stop them, they rammed their vehicle against the vehicle of the complainant and ran away. The complainant and others chased the vehicle. Even stones were thrown on the complainant party and cows, which were being carried allegedly for slaughtering, were also thrown in their way to stop the complainant party to chase them. The trial of the case is yet to start.

Keeping in view the fact that the petitioner has tried to mislead the Court and the gravity of offence, I am of the view that the petitioner does not deserve the concession of regular bail, at this stage.

Dismissed.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

May 25, 2023

monika

(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>