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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23330-2025

Date of Decision: 01.05.2025

Mohd. Kamil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Ms. Trishanjali Sharma, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
28	05.02.2022	Sadar Palwal, District Palwal	13(1), 13(3), 3, 8 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 11-59-60 of Prevention of Cruelty to Animals Act and 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 7 of the bail application, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	41/2018	-	3, 5,6, 8(2) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act	Lakshmangarh
2.	101/2020	-	25-54-59 of Arms Act	Uttawar
3.	60/2016	-	332, 5,8,9 of Rajasthan Bovine Animal Act, 307 IPC, Arms Act	Ramgarh
4.	80/2014	-	307, 302, 34 IPC and Arms Act	Prahladpur, Delhi

3. The facts and allegations are being taken from translated version of FIR, which reads as follows:

"To, the SHO of Police Station Sadar Palwal, Jai Hind. Today, I HC along with constable Arun number 23 Palwal, constable Chhotu Ram 1243 in the vehicle government PCR 4 HR.38-7580 driven by EHC Satish Kumar 660 was present on night patrolling duty at village



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Ratipur. when Leave for Nation cow protection activist Himanshu son of Shyam Babu resident of Mohan Nagar Palwal and Sonu son of Ram Singh resident of Ram Nagar Palwal along with their team came to the spot and met me and informed that Tarif alias Hodal Ashmin, Kamil Isa Khan and Junna resident of Utawar in vehicle number RJ-17 GA-3689 Tata Canter and with them a Santo vehicle number HR-27B-0437, loaded with cows and calves were going from Palwal to village Utawar, who do the work of cow slaughter. Ahead of them, a vehicle ascent number HR-74A-9877 came piloting, if a blockade was done here, then they can be apprehended. The information was shared to fellow employees and the blockade started at 2.15 A.M. At around 2.30A.M. a white colored Accent number HR-74A-9877 came and which was signaled to stop, but it did not stop and crossed the barricade. During blockade, the iron nail was placed on the road and during this time, a Canter No. RJ-17 GA-3689 and behind it a Santro car No. HR-27B-0437 came and when the vehicles were taken over the fork, then the tyres of the vehicles got punctured. Tarif alias Hodal Ashmin, Kamil and Junna from among the vehicles alighted and after sitting in the Accent which was being driven by Pilot and fled away. On checking the Canter No. RJ-17 GA-3689, 21 cows and 3 calves whose mouths and legs were tied with ropes in Canter no. RJ-17 GA-3689 and one cow whose mouth and legs were tied was found in the Santro car were found. The mouths and legs of those cattle were opened and after opening, the vehicle and the cows were taken into police possession through a report. The report was signed by witnesses. Tarif alias Hodal Ashmin, Kamil and Junna above, along with their associates, names and addresses not known, had conspired to load more cows and calves in the vehicles than their capacity and taken them for cow slaughter and had committed a crime under the Section 13(1), 13(3), 17 HGS GS Act and section 11.59.60 of Animal Cruelty Act and section 120-B IPC".

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
5. The State's counsel opposes bail.
6. Allegation against the petitioner is that he along with co-accused was indulged in business of transportation of cows for the purpose of slaughtering.
7. The incident relates to year, 2022 but the Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.
8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this



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stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. Given the background of allegations against the petitioner, it becomes paramount to protect the detection squad, members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned



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authority within fifteen days and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

01.05.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.