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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44401-2025

Date of Decision: 03.09.2025

Soyab

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nafeesh Ahmed, Advocate
for the petitioner (through V.C.).

Ms. Shaveta Sanghi, D.A.G., Haryana.

ANOOP CHITKARA, J.

| FIR No. | Dated | Police Station | Sections |
|---------|------------|----------------------------|---|
| 266 | 28.07.2025 | Sadar Nuh, District Nuh | 3, 13(1), 8, 13(3), 17 of HGS & GS Act |

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 petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

“To, the SHO Saheb Police Station Sadar Nuh, Jai Hind. Today, I SI along with ESI 603/NUH Constable Rajat No. 1179/Nuh, HGH Mahendra 582, Constable Rohit No. 275/Nuh, HGH Jarar, HGH Arafat in Government Vehicle No.HR-96-GV-9696 with Driver EHC Subhash No.991 Nuh were present at Adbar Chowk Nuh for crime patrolling, informer informed that when the Abid, secrete Zabid, sons of a Satar, Mujahid resident of Palla, Police Station Sadar Nuh District Nuh, Soyeb son of Imam, resident of Village Ferozepur Namak, Police station Sadar Nuh, District Nuh together do the business of cow slaughter. Even today, they slaughter cows in a close factory in Village Palla, cut the cow meat into small pieces and sell it by motorcycles or vehicles. If a raid is conducted immediately, then Abid son of Satar, Zabid son of Satar, Mujahid son of Satar, resident of Palla, Police station Sadar Nuh, District Nuh and Shoaib son of Imam, resident of Ferozepur, Police station Sadar Nuh, District Nuh,



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can be caught on the spot with the cow beef. Considering the information to be true, passersby were asked to join raiding party but all of whom expressed their legitimate compulsions and went away without revealing their names and addresses. Fellow officials were informed about the secret information and a raid was conducted on in closed factory in Village Palla, on seeing the police party, all the four persons present on the spot started running away. The SI, with the help of fellow employees, caught 3 persons, the first one told his name as Abid son of Sattar, resident of Palla, and the second one told his name as Zabid son of Sattar, resident of Palla, and the third one told his name as Mujahid son of Sattar, resident of Palla. The informer told the name of the fourth person running towards the inhabited area as Soyeb son of Imam, resident of Firozpur, District Nuh. On reaching to the spot, we found a vehicle i-20 bearing number HR-38-AB-0659 in which 70 kg of beef and Motorcycle HERO HF DELUXE bearing number HR-27-N-5476 having a trough attached to it was filled with 50 kg beef, 90 kg beef lying on the floor, two axes, a wooden block, 3 knives, iron wire forks found. The veterinary doctor was informed about the spot of the incident. A vehicle i-20 HR-38-AB-0659 recovered from the above mentioned place in which 70 kg beef Motorcycle HERO HE DELUXE bearing number HR-27-N-5476 having a trough attached to it filled with 50 kg beef and 90 kg beef on the floor or two axes, a wooden block, 3 knives, iron wire forks, iron needles were taken into possession by the police as evidence with a seizure list. The witnesses and the accused signed on the seizure list. Cow slaughter tools including two axes, one wooden block, 3 knives, iron fork and iron pin were prepared which were stamped with AK seal and the seal was handed constable Rajat Number 1179/ Nuh and evidence incident. Satar, was uploaded Abid, at the Zabid Mujahid over to scene sons e-of of resident of Palla police station Sadar Nuh district Nuh, Soyeb son of Imam, resident of Ferozepur, Police Station Sadar Nuh district Nuh have slaughtered a cow and cut the cow's meat into small pieces to sell it, have committed the crime under section 3/13(1), 8/13 (3) 17 HGS GS Act.”

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 petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.
6. The State's counsel opposes bail based on instructions.



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7. Primarily, the FIR is outcome of a secret information and recovery of beef has already been effected. No doubt, petitioner was named in the FIR but he was not arrested from the spot and there is no need for custodial interrogation.

8. 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.

9. 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 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.

10. 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.

11. 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) | |

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

13. 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



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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.

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 may 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

03.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.