

CRM-M-18217-2021

MUBBI ALIAS MUBIN VS STATE OF HARYANA

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

The allegations in the FIR are that the local Gau Raksha Dal led by the District President raided the house of the petitioner and found a bull, a cow and a calf tethered there. The petitioner ran away from the spot and could not be apprehended. On return, the aforementioned persons discovered instruments of slaughter in the house. They informed the local Police and an FIR No.37 dated 11.03.2021 was registered at Police Station Bichhor, District Nuh, under Sections 3, 8(1) of the Haryana Gouvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 511 of Indian Penal Code, 1860.

Learned counsel for the petitioner submits that Section 3 of the aforementioned Act prohibits cow slaughter. The facts of this case do not reveal the slaughter of any cow and, thus, Section 3 is not attracted. Section 8 of the aforementioned Act prohibits sale of Beef. Since, there is no slaughter, there is no question of sale of Beef and, thus, Section 8 is also not attracted.

It is further submitted that the local Gau Raksha Dal and its District President were not authorized to raid the house of the petitioner. They are themselves guilty of offence of trespassing.

Notice of motion.

Mr. Sanjay Mittal, Addl. A.G. Haryana accepts notice on behalf of the respondent and waives service.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 10.05.2021 at 10:00 a.m. and cooperate therewith. In

the even of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438 (2) Cr.P.C.

Learned Addl. A.G. Haryana is directed to address the Court on the power/authority of vigilantes to raid the houses of the citizens. Such actions are prima facie illegal and amount to taking law into their own hands by private individuals. This is contrary to the Rule of Law.

Adjourned to 19.07.2021.

April 30, 2021
Poonam Negi

(SUDHIR MITTAL)
JUDGE



सत्यमेव जयते

