

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRM-M-37617-2025
Decided on: 28.08.2025

Jamaluddin ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anshul Khurana, Advocate,
for the petitioner.

Mr. Atul Gaur, A.A.G, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
125	05.04.2024	Sadar Nuh, Distt. Nuh	3/13(1) and 8/13(3) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. As per paragraph 16 of the bail application and as per the custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	333	23.06.2023	3/13(1) of HGS & GS Act	Sadar Nuh, Mewat
2.	433	24.08.2014	8/13(3) of HSG & GS Act	Nuh, Mewat

3. The facts and allegations are being taken from the translated copy of FIR annexed with the bail petition as Annexure P-1, which reads as follows:

“To, SHO Police Station City Nuh Jai Hind. Today I the SI along with ESI Satbir Singh No.603/Nuh, HGH Belt No.241 and were riding on a government vehicle Bolero No.HR-27-GV-5892 driven by Bijendra Singh (Kaushal Rojgar) and while patrolling were present at Palwal T. Point Nuh that an informer gave information that Akhtar Ali alias Chuttan son of Abdul Salim alias Ghasita Qureshi, Jamaluddin son of Shokat, Habin son of



Haji Gunga, Mustafa son of Akhtar Ali alias Chuttan and Mubina wife of Akhtar Ali alias Chuttan residents of village Ghasera Police Station Sadar Nuh are involved in cow slaughtering. Today also in Palla Pahar Bal after doing cow slaughtering, after cutting beef into small pieces Akhtar Ali alias Chuttan son of Abdul Salim alias Ghasita Qureshi residents of Ghasera Police Station Sadar Nuh, will keep it in the room of the house and by packing in polythene would sell it. If the house of Akhtar Ali alias Chuttan son of Abdul Salim alias Ghasita Qureshi resident of Ghasera Police Station Sadar Nuh is raided quickly then he can be apprehended alongwith the beef. On considering the information to be true, the passers-by were asked to join the raiding party but all the passers-by, being from the same community, went away expressing their legitimate compulsions. After informing the fellow employees of the information alongwith the informer reached at the disclosed place then the gate of the house was found to be locked from inside. Upon knocking the door all the men and one woman managed to escape through the roofs while making noise from inside the house. That upon opening the gate from inside after jumping from above and upon looking inside the room, about 50 Kg of beef freshly slaughtered in small & big pieces and one axe, one iron knife, one pressure of iron, one electronic weighting scale and one small steel plate were found, which were kept in a plastic bag and a separate parcel was prepared which was stamped by stamp BS. The stamp was handed over to ESI Satbir Singh for its later use. That the aforesaid recovered about 50 kg of beef was put in separate plastic bag and a parcel was prepared and was taken into police custody so as to serve as a proof on receipt of the list. On receipt of the list, signatures of the witnesses were obtained. Which the accused Akhtar Ali alias Chuttan son of Abdul Salim alias Ghasita Qureshi, Jamaluddin son of Shokat, Habin son of Haji Gunga, Mustfa son of Akhtar Ali alias Chuttan and Mubina wife of Akhtar Ali alias Chuttan, resident of Ghasera Police Station Sadar Nuh, aforesaid people together committed cow slaughtering and by keeping the beef in the room of the house of Akhtar Ali alias Chuttan had committed offence under Section 3/13 (1), 8/13 (3), HGS GS ACT and 120-B IPC, upon which for the registration of FIR it is sent to the Police Station through ESI Satbir Singh No. 603/Nuh. After the registration of FIR its number be intimated. For the further investigation of the case, the other investigating officer be sent at the spot. I the SI alongwith case property alongwith fellow employees are present at the spot."

4. The petitioner's counsel seeks bail on the ground of parity with co-accused, namely, Akhtar Ali @ Chuttan and Habeen @ Habin, who have been granted the benefit of bail by this Court, vide order dated 15.10.2024 and 22.04.2025 passed in CRM-M-34872-2024 and CRM-M-19171-2025 (Annexures P-2 and P-3 respectively).

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

6. 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.

7. The State's counsel opposes bail on instructions.

REASONING:

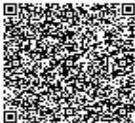
8. The co-accused have already been granted the benefit of bail by this Court vide Annexures P-2 & P-3, as such, he is also entitled to bail.

9. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 1 of the bail petition, the petitioner has been in custody since 03.06.2025. As per the custody certificate dated 27.08.2025, the petitioner's total custody in this FIR is 02 months and 25 days. Given the penal provisions invoked viz-a-viz pre-trial custody, 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 further pre-trial incarceration at this stage.

10. 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.

11. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

12. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.



13. 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)	

14. This order is subject to the petitioner’s complying with the following terms.

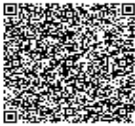
15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

16. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner’s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

17. This bail is conditional, with the foundational condition being 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 shall 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 as per their discretion, they may cancel this bail.

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

19. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be



accepted by the Court before whom the bail bonds are furnished.”

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

(ANOOP CHITKARA)
JUDGE

28.08.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.