

CRM No. M-23592 of 2015
DECIDED ON: JULY 27, 2015

MEHBOOB @ BOOBA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sukhvinder Singh Nara, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

JASPAL SINGH, J (ORAL)

Instant petition has been preferred by Mehboob @ Booba under Section 439 Cr.P.C. seeking regular bail in case FIR No. 118 dated June 03, 2015 under Sections 4-B and 8 of Punjab Prohibition of Cow Slaughter Act, Section 11 of Prevention of Cruelty of Animals and Sections 279, 336 and 307 IPC registered at Police Station Bilaspur, District Yamuna Nagar.

2. Instant FIR has been registered on the allegations that on June 03, 2015 ASI Amrik Singh alongwith Constable Vijay Kumar was present near village Rasulpur on patrol duty. Sachin son Ashok Kumar and Sumit son of Purshotam Dass, both residents of village Batholi met him and informed him that Oxen loaded in truck No. HR-38-D-4972 were being transported for slaughtering purpose from the side of village Pabni towards Rasulpur and further that the said truck was being escorted by scorpio car No. UA-07-S-7700 driven by Ahatsam son of Irshad, Mohammad Gayur and Mehboob @ Booba. On receipt of information, a nakabandi was laid and at about 5.30 AM, a scorpio car and truck

came from the side of village Pabni. Though these vehicles were signalled to stop but drivers of both vehicles turned the vehicles towards police party at high speed with an intention to kill them and they saved their lives by jumping aside.

3. Learned counsel for the petitioner has contended that petitioner is physically challenged and as per medical certificate, he is 100% permanent disable which fact is supported by medical certificate Annexure P-2. In fact, petitioner has been falsely implicated in the instant case and he has nothing to do with the alleged offences. He was arrested in this case on June 04, 2015 and since then he is suffering incarceration. Moreover, there is no injury case. Even, an offence under Section 336 IPC has also been added, despite the fact that no shot was ever fired. Even, there is no such allegation in the FIR.

4. It has further been submitted by learned counsel for the petitioner that petitioner also undertakes to abide by all the terms and conditions as may be imposed by this Court while granting him concession of bail.

5. On the other hand learned State counsel has strongly opposed the grant of bail contending that petitioner as well as his other co-accused were indulging in transporting the Ox and Cows for the purpose of slaughtery. Moreover, both the drivers of vehicles i.e. scorpio and truck also tried to run away the police officials when they were signalled to stop.

6. This Court has given an anxious thought to the submissions made by learned counsel for the parties and have perused the record available on file.

7. Admittedly, instant case is of no injury case. Petitioner is also 100% physically disabled, as is evident from the contents of medical certificate (Annexure P-2). Though, naka is alleged to have been laid by investigating officer on receipt of information but it is highly un-understandable as to how both the vehicles slipped away from the spot. Petitioner is behind the bars since the

date of his arrest i.e. June 04, 2015. Since, petitioner is in judicial custody, he is no more required for further interrogation. Completion of investigation and presentation of challan if any, is likely to take sufficient long time and this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind bars for an indefinite period.

8. Accordingly, instant petition is allowed and petitioner is ordered to be released on bail to the satisfaction of learned trial Court.

JULY 27, 2015
SHAM

(JASPAL SINGH)
JUDGE