

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM No.M-2653 of 2015

Date of Decision:30.01.2015

Tofiq and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Vikram Singh, Advocate,
for the petitioners.**

**Mr.Naveen Sheoran, Deputy Advocate General,
Haryana, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioners have preferred the instant petition for the grant of concession of regular bail, in a case registered against them, vide FIR No.369 dated 08.09.2014, on accusation of having committed the offences punishable under Sections 420, 429, 467, 468, 471 IPC, Section 4-A of The Prevention of Cruelty to Animals Act, 1960 and Section 8 of The Punjab Cow Slaughter Act, 1955, by the police of Police Station Matlauda, District Panipat.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.
4. Precisely, the prosecution, *inter alia*, claimed that, on

08.09.2014, some persons tied the mouth and legs and loaded the cows in Tata Truck, in question, in front of PTA Gate of Panipat Refinery. Neither the names of the petitioners are mentioned nor any particular part or role is attributed to them in the FIR. On instructions from ASI Yogender, the investigating officer, learned State Counsel has acknowledged that there is no direct or indirect evidence available on record against the petitioners, except their confessional statements. In that eventuality, what is the evidentiary value, admissibility and acceptability of such pointed confessional statements of the accused, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

5. Be that as it may, petitioner Nos.1 and 2-Tofiq and Kallu were arrested on 05.12.2014, whereas petitioner No.3-Islam was arrested in this case on 09.12.2014. Since then they are in judicial custody and no useful purpose would be served to further detain them in jail. There is no history of their previous conviction in any other criminal case. Moreover, all the offences alleged against the accused are stated to be triable by the Court of Magistrate. Since, not even a single witness has yet been examined by the prosecution, so, the conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby

accepted. The petitioners are ordered to be released on bail on filing their respective affidavits to the effect that they will not indulge in such illegal activities in future and on their furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

January 30, 2015
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(MEHINDER SINGH SULLAR)
JUDGE