

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM No.M-29320 of 2015

Date of decision: 15.09.2015

Naseem

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana
assisted by ASI Surjan Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.118, dated 03.06.2015, registered under Sections 4-B and 8 of Punjab Prohibition of Cows Slaughter Act, Section 11 of Prevention of Cruelty to Animals Act and Sections 279, 336 and 307 of the Indian Penal Code (for short 'IPC'), at Police Station Bilaspur, District Yamuna Nagar.

It is contended that the petitioner was not arrested from the spot. Subsequently, on the basis of disclosure statement of co-accused, the petitioner has has been falsely implicated in the instant case. No injury is attributed to the petitioner and Section 307 IPC has been added just to enhance the gravity of the offence. He further

contends that as per FIR, the police has laid a naka bandi, but it is highly surprising that even after putting the naka bandi, both the vehicles in question ran away from the spot. Moreover, the similarly situated co-accused of the petitioner, namely Mehboob @ Booba, has been granted the concession of regular bail by this Court, vide order dated 27.07.2015 (Annexure P-2). The petitioner is in custody since 03.06.2015.

On the other hand, the learned State counsel opposes the bail application and submits that the petitioner along with his other co-accused indulged in transporting the Ox and Cows for the purpose of slaughtery, therefore, the present bail application deserves to be dismissed.

Heard.

Keeping in view the fact that the petitioner was not arrested from the spot; the other co-accused of the petitioner has been enlarged on bail by this Court; the custody period and the fact that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

15.09.2015

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(JITENDRA CHAUHAN)
JUDGE