

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

**CRM-M-32778-2015 (O&M)
Date of Decision: September 29, 2015**

Iqbal @ Kala

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sarfraj Hussain, Advocate
for the applicant/petitioner.

Mr.Kuldeep Tiwari, Addl.A.G., Haryana.

Naresh Kumar Sanghi, J.(Oral)

CRM-31544 of 2015

After hearing learned counsel for the applicant/
petitioner and going through the contents of the application, the
applicant is permitted to file the true typed copy of Annexure P-1
as also vernacular of FIR and the photocopy of challan. The said
documents are also taken on record subject to all just
exceptions.

Criminal miscellaneous application stands disposed
of.

CRM-M-32778-2015

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Iqbal @ Kala, son of Bhundu, resident of village Bajeri, Police Station Mandi, Muzzafarnagar, District Muzzafarnagar, who has been booked for having committed the offences punishable under Sections 279, 336, 420, 427 and 429 IPC; Section 11 of the Prevention of Cruelty to Animals Act, 1960 and Sections 3 and 8 of the Punjab Prohibition of Cow Slaughter Act, 1955, in a case arising out of FIR No. 210, dated 04.04.2015, registered at Police Station, Sadar Bhiwani, District Bhiwani.

Learned counsel contends that even if the whole case of prosecution is taken at its face value, then also the conscious possession of the cows and oxen alleged to have been recovered from the spot, would be a moot point during trial; the driver of the vehicle in which the said animals were being carried was arrested and granted bail by learned trial Court; the petitioner is behind the bars from 26.05.2015; after completion of the investigation, the charge-sheet (challan) has been presented; all the offences for which the petitioner has been booked are triable by learned Judicial Magistrate First Class; and that in the event of grant of bail, the petitioner shall abide by all the conditions to be imposed by this Court.

Learned counsel for the State though opposed the grant of bail to the petitioner yet could not justify the ground on which the said concession has to be declined to him (petitioner). To elaborate his submission, he submitted that the co-accused of the petitioner, who was granted bail, has absconded.

On the query put by this Court, he fairly concedes that except the disclosure statement of co-accused of the petitioner, there is no other direct evidence to connect the petitioner with the offences for which he has been booked.

In view of the rival contentions raised by learned counsel for the parties, the present petition is accepted. The petitioner, Iqbal @ Kala, son of Bhundu, resident of village Bajeri, Police Station Mandi, Muzzafarnagar, District Muzzafarnagar, is ordered to be released on bail during the pendency of the trial of the present case, subject to his furnishing bonds in the sum of ₹1 lac (Rupees one lac only) with two local sureties in the like amount to the satisfaction of the learned trial Court.

(NARESH KUMAR SANGHI)
JUDGE

September 29, 2015
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