

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

CRM No. M-32152 of 2016

Date of decision:- October 18, 2016

YASEEN

.....PETITIONER..

VS.

STATE OF HARYANA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Rajiv Sidhu, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure (for brevity, "Code" only), petitioner-Yaseen has sought bail during the pendency of trial, in case FIR No.286, dated 10.12.2015, under Section 11 of Animal Preservation Act, Section 4(b)/8 of CS Act the Punjab Prohibition of CS Act, Sections 279, 336, 420, 427, 473, 307, 120-B IPC and Section 25 of the Arms Act, Police Station Bilaspur, District Yamuna Nagar.

2. Undisputably, the petitioner was arrested on 27.02.2016 and after subjecting him to custodial interrogation, he was remanded to judicial custody. Meaning thereby, he was no more required for further custodial interrogation. It is an admitted fact that after the conclusion of the

investigation, report under Section 173 (2) of the Code has already been presented before the Id. Jurisdictional Magistrate. Not only this, even 2/3 material witnesses, who were alleged to have been travelling the car at the time of alleged accident, have been examined. But to the utter surprise, they did not support the prosecution story. Subsequently, at the request of Id. Public Prosecutor, they were declared hostile. Moreover, this is a no injury case. Though, shots were alleged to have been fired from pistol, yet, it did not result into infliction of injury to any person. Recovery of the alleged cows has already been effected. Otherwise, conclusion of trial is not likely in a short span of time and it would certainly take considerable time.

3. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, the petition is allowed and petitioner is ordered to be released on bail, during pendency of trial, at the satisfaction of trial Court/Duty Magistrate.

October 18, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No