

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

CRM-M-12883-2017 (O&M)

Date of decision: 24.04.2017

ATMA RAM AND ANR.

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Ms. Rupinder K. Thind, Advocate for the petitioner (s).

Mr. Saurabh Mohunta, DAG, Haryana
assisted by ASI Krishan Kumar.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioners have sought regular bail in FIR No.22 dated 28.01.2017, registered under Sections 279, 336, 429, 120-B IPC and Sections 13(1), (2), 3, 5 and 17 of Haryana Gauvonsh Sanrakshan and Gausamvardhan Act, 2015, at P.S. Ellenabad, Distt. Sirsa.

Contends that neither the petitioners are owner of the vehicle in question which allegedly had been carrying the animals nor they were arrested from the spot. They are in custody since 15.02.2017. They are not involved in any other FIR, which is duly acknowledged by the learned State counsel. The present FIR was initially registered against co-accused, Indraj, owner of the vehicle in question. Subsequently, on his disclosure statement,

the petitioners have been introduced in the FIR.

On the other hand, the learned State counsel submits that while the petitioners were being chased by the police, they lifted a calf and threw it on the police vehicle and fled away from the spot. He informs that challan stands presented.

Heard.

Considering the facts that the petitioners are in custody since 15.02.2017; neither they are named in the FIR nor arrested from the spot; they are not involved in any other FIR; and challan has been filed, trial is likely to take a long time, therefore, no purpose would be served in keeping the petitioners behind the bars.

Accordingly, without adverting to the merits of the instant case, this petition is allowed. The petitioners be admitted to bail during the pendency of the trial, on their furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

24.04.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No