

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-20037 of 2017
Date of Decision: 11.08.2017

Irsad

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Baldev Singh Dhillon, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.606 dated 06.12.2016 registered for offences punishable under Sections 11(D) of Prevention of Cruelty to Animal Act and 13 (2) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 at Police Station Pehowa, District Kurukshetra.

Heard.

Notice of motion.

On asking of the court, Mr. Amrik Narwal, DAG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

As per case of prosecution, the police on secret information impounded an abandoned truck bearing registration no. HR-58-5195. In that truck a number of cattle, whose legs and mouth have been tied, were found.

On investigation, it was found that petitioner is owner of the truck and he

was arrested in this case on 15.04.2017 i.e. after a period of more than four months by taking his custody on production warrants.

Learned State counsel submits that during investigation police has recorded disclosure statement of petitioner, wherein he has stated that truck was being driven by him and he had left the truck at the spot. Two more similar cases are pending against him.

Learned counsel for the petitioner submits that veracity of disclosure statement is a subject matter to be seen by the trial Court. In the other two cases registered against the petitioner, he is already on bail.

Keeping in view the fact that police after investigation has presented the challan against petitioner and that conclusion of trial will take considerably long time but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Irsad is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

August 11, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No