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

CRM-M No.46225 of 2016

Date of Decision: 31.01.2017

MOHAMMAD HANIF & ANR Petitioners
Vs
STATE OF HARYANA Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. P.K. Ganga, Advocate
for the petitioners.

Mr. Pradeep Prakash Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.74 dated 27.06.2016, registered under Section 5/13(2) and under Sections 3, 5, 6, 13 & 17 (added later on) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 at Police Station Odhan, District Sirsa.

Allegations are that a container full of oxes was found standing on the road. None was found present at the site. On being checked 15 oxes were found. The container was seized by the Police. Oxes were handed over to the Gaushala. The FIR was registered against unknown persons. Thereafter statement of the owner of the vehicle was recorded and the

alleged complicity of the petitioners came to fore.

Learned counsel for the petitioners submitted that the petitioners were implicated only on disclosure statement made by the owner of the vehicle. There was no incriminating material on record to suggest that the petitioners were the driver and cleaner of the container/vehicle in question. Learned counsel further submitted that the petitioners are in custody since 24.09.2016 and the offence is triable by the Magistrate.

Learned State counsel on instructions from ASI Raj Kumar admitted the aforesaid facts.

At this stage, without adverting to the merits of the case, I am of the view that petitioners, who are in custody since 24.09.2016, can be enlarged on bail.

In view of above, petition is allowed. Petitioners are ordered to be enlarged on bail, subject to their furnishing bail bonds and heavy local surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 31, 2017.

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No