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

CRM-M-8620 of 2017

Date of decision: March 15, 2017

Hakku @ Hakmuddin

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Mazlish, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion.

At the asking of the Court, Ms. Tanushree Gupta, DAG
Haryana accepts notice on behalf of the State.

Rule. Heard forthwith with the consent of the learned
counsel for the rival parties.

In FIR No.3 dated 03.01.2001, under Sections 3/8 of the
Cow Slaughter Act, 1977 and Sections 212/216 of the Indian Penal
Code, 1860, registered at Police Station Punhana, District Nuh, the
petitioner was also accused along with other accused persons. The
offences registered against the petitioner and others were indeed
serious, namely for preparing to take cows and calf meat to Delhi after
slaughtering the animals. The petitioner initially appeared before the
trial Court, but thereafter, remained absent and as a result, by order in
the year 2008, he was declared P.O. In the meanwhile, the trial in the
said FIR started and ended in acquittal of all the accused persons who

tried by the trial Court vide judgment and order dated 22.12.2008 in Criminal Case No.229 dated 14.03.2002.

I have perused the reasoning of the said judgment in which the order of acquittal has been recorded against other accused persons, but since the petitioner did not appear before the trial Court, he was declared P.O. The petitioner now prays for a chance to be at liberty for participating in the trial which will be holding against him. As a matter of fact, by remaining absent for so many years, the petitioner has to put the entire machinery to inconvenience as now a fresh trial will have to be held against them. But then liberty is valuable and the petitioner undertakes to appear before the trial Court with promptitude and face the fresh trial. Looking to the reasons given by the trial Court while recording order of acquittal, I think the petitioner should also be given a chance to appear before the trial Court to have a fresh trial against him. But then since the petitioner has put the entire machinery to inconvenience, he will have to be penalised with order of costs payable to the State of Haryana through the trial Court. In that view of the matter, I make the following order:-

ORDER

- (i) CRM-M-8620 of 2017 is partly allowed;
- (ii) Impugned order dated 30.10.2008 in FIR No.3 dated 03.01.2001, under Sections 3/8 of the Cow Slaughter Act, 1977 and Sections 212/216 of the Indian Penal Code, 1860, registered at Police Station Punhana, District Nuh is quashed and set aside;
- (iii) The petitioner shall appear before the trial Court on

28.03.2017 and furnish fresh bail bonds to the satisfaction of the trial Court. He shall thereafter, proceed according to law;

(iv) The petitioner shall deposit non-refundable amount of ₹25,000/- with the trial Court payable to the State of Haryana as a pre-condition for furnishing bail bonds. Trial Court shall thereafter, proceed to hold fresh trial against the petitioner. If the petitioner does comply with the above condition, the trial Court shall put the petitioner in custody by arresting him.

(A.B. CHAUDHARI)
JUDGE

March 15, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No