

CRM-M-13430-2018

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

CRM-M-13430-2018

Date of Decision: 6th April, 2018

Asfak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Inderjeet Singh Advocate,
for the petitioner.

Mr. Kuldeep Sharma, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.79, dated 23.05.2015, registered at Police Station Chhachhrauli, District Yamuna Nagar, under Sections 279, 336, 307, 429, 420, 473 of the Indian Penal Code, Section 4-B/8 of Punjab Prohibition of Cow Slaughter Act, Section 11 of Prevention of Cruelty to Animals Act and Section 25/54/59 of Arms Act.

It is the contention of the learned counsel for the petitioner that the petitioner was not named in the FIR and has been involved in the present case on the basis of a disclosure statement given by a co-accused, which disclosure statement has not been relied upon by the trial Court while acquitting the other co-accused vide judgment dated 09.05.2017 (Annexure P-2). He contends that it is only on his arrest, petitioner came to know that

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there is a case registered against him in which he has been declared as proclaimed offender. Counsel contends that the petitioner is in custody since 22.01.2018 and the trial is not likely to conclude soon as the challan against the petitioner stands presented but charge till date has not been framed. He further states that in the light of the acquittal of the co-accused, petitioner is also likely to be acquitted. He further contends that the petitioner will appear on each and every date fixed by the trial Court. He, therefore, prays for grant of concession of regular bail to the petitioner during the pendency of the trial.

Counsel for the State, on instructions from ASI Om Parkash, P.S. Chhacharauli, could not dispute the assertions of the counsel for the petitioner.

Keeping in view the facts that the co-accused of the petitioner stand already acquitted, petitioner is in custody since 22.01.2018 and the trial is not likely to conclude soon, the present petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

6th April, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No