

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

CRM-M No.15255 of 2018

Date of decision : 13.08.2018

Rizwan

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Ms. Prabhjot Kaur, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Rizwan has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.113 dated 14.05.2016 under Section 11 of the Prevention of Cruelty to Animals Act, 1960 and Sections 3/5/13/17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 registered at Police Station – Sadar Dabwali, Distt. Sirsa.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. Petitioner was earlier released on regular bail by the trial Court and he was appearing regularly before the trial Court. On 10.01.2017, he could not appear and warrant of arrest was issued against him. He himself surrendered before the trial Court on 17.02.2017 and was released on regular bail on 22.02.2017.

Thereafter, he was arrested in some other case in State of Uttar Pradesh and he could not appear before the trial Court on 31.08.2017. Thereafter, he himself surrendered before the trial Court on 09.02.2018 and since then he is in custody. Learned counsel further submits that non-appearance of the petitioner was neither intentional nor willful as on one occasion he was in custody in some other case. Learned counsel also submits that petitioner is the sole bread earner of the entire family and he undertakes to appear before the trial Court on each and every date of hearing.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is resident of Uttar Pradesh and he may again misuse the concession of bail granted by this Court like the earlier two instances. However, she has not disputed the period of custody undergone by the petitioner.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents on the file.

Undisputedly, the petitioner was released on regular bail but he remained absent on two occasions. Thereafter, he himself surrendered before the trial Court. On one occasion, he is stated to be involved in some other case and was in custody in State of Uttar Pradesh but no reason for remaining absent for the second occasion has been explained. Subsequently, the petitioner surrendered on 09.02.2018 and since then he is in custody. He undertakes to appear regularly before the trial Court and to abide by all the terms and conditions to be imposed by this Court and the trial Court.

By considering the submissions made by learned counsel for the parties and keeping in view the period of custody since 09.02.2018, the present petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing heavy local surety to the satisfaction of the trial Court and by getting undertaking from him that he will not remain absent during trial. The petitioner is also directed to deposit an amount of ₹10,000/- before the trial Court, which would be non-refundable.

13.08.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No