

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

CRL. MISC. No.M-9027 OF 2018
DATE OF DECISION : 20TH APRIL, 2018

Kasim

.... Petitioner

Versus

State of Haryana

.... Respondent

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

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Present : Mr. Punit Malik, Advocate for
 Mr. Partap Singh, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed second petition under Section 439 Cr.P.C. seeking regular bail in FIR No.156 dated 04.03.2017 registered under Sections 307 IPC; 25/54/59 of Arms Act and 13(2) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act 2015 at Police Station Civil Lines Karnal District Karnal.

Heard learned counsel for the rival parties.

This Court had dismissed earlier petition as withdrawn since the trial was not started.

Learned State counsel makes statement that thereafter the trial progressed and now two official witnesses i.e. one DSP and former Constable, are required to be examined. Rest of the evidence have been completed.

Learned State counsel vehemently opposed the petition for regular bail on the ground that the petitioner has been in business of cow slaughtering which is a serious offence triable by special Court. He submits that the petitioner and his co-accused are habitual of committing such offences. Not only that in the present case when they confronted with the police party they pelted stone and fired on the police party and ran away.

Indeed the offence committed by the petitioners is serious, the petitioner was arrested on 24.04.2017 and since then he is in jail.

Since there is no other case against petitioner, the petitioner should be given a chance for reformation, particularly because the learned counsel for the petitioner on his instructions makes statement that the petitioner would file undertaking not to indulge in such type of offence like transporting of cows or prohibited animals. The petitioner shall furnish a copy of the same with the Police Station concerned and the trial Court as well.

Looking to the fact that other co-accused has already been granted bail by this Court and since the petitioner is ready to furnish the affidavit as aforesaid not to indulge in such type of offence, I am inclined to grant bail to the petitioner to give a chance for reformation.

In that view of the matter, I make the following order:

ORDER

- (i) The CRL. MISC. No.M-9027 OF 2018 is allowed.
- (ii) The petitioner is ordered to be released on bail to the satisfaction of the concerned CJM/Duty Magistrate.

- (iii) The petitioner shall give undertaking to the police as aforesaid that he will not indulge in such type of offence in future, within two weeks from the date of his release.
- (iv) In case of violation of the above condition on the part of the petitioner, the liberty is reserved in favour of the State to apply for cancellation of bail.
- (v) The petitioner to surrender his passport with the trial Court, if he possesses the same.

20TH APRIL, 2018
‘raj’

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>