

S.No.211

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

CRM-M-11457 of 2019 (O&M)

Date of Decision:22.04.2019

DaudPetitioner

Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Ms. Kamaljeet Kaur, Advocate
for the petitioner.
Mr. M.D. Sharma, AAG, Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.12 dated 23.01.2017 registered under Sections 307/34 IPC and Section 3 of Prevention of Damage to Public Property Act, 1984, Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 25/54/59 of Arms Act, 1959 at Police Station Pillu Khera, District Jind, Harayna.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. The petitioner is not involved in this crime at all. His name has been involved in the case only because the vehicle, which was, allegedly being used for transporting the animals, was registered in the name of the petitioner. However, the petitioner had already sold this vehicle to one Sadik son of Gafur resident of Village Shahpur Road, P.S. Gangoh, Tehsil Nakur, District Saharanpur (U.P.). Counsel has relied upon an affidavit dated 18.11.2015 (Annexure P.2) in this regard. It is also submitted by counsel that the petitioner is in custody for the past about five months. Challan has already been filed. It is further submitted

by the counsel that no injury is attributed to the petitioner even as per the allegation of the complainant. The petitioner is alleged only to have pelted stones upon the police party.

On the other hand, learned counsel for the State, submits that the petitioner was one of the five persons who were present in the vehicle while the animals were being transported. However, the petitioner had run away from the spot. However, it is not denied that the petitioner is in custody for more than five months. Challan has already been filed.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

April 22, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No