

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

205

CRM-M-26888-2019 (O & M)
Date of Decision:29.08.2019

Sarif

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Arun Gupta, Advocate for
Mr. Arjun Atri, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.155 dated 20.02.2019, under Sections 279, 336, 353, 186, 307, 149 IPC; Sections 25, 54, 59 of the Arms Act; Section 5/13(2), 17 of Haryana Gauvansh Sanrakshan and Gau Samvardhan Act and Sections 11/59/60 of Prevention of Cruelty to Animal Act, registered at Police Station Nuh, District Nuh.

The prosecution case is that a secret information has been received that Tofik, Jabid, Jabir @ Rodu, Shariff and Boda were involved in the trade of cow skin and beef. If the raid will be conducted the said accused would be caught red handed. Upon this information raid was conducted at Ujina Turn and after sometime one Canter was coming from village Nausera. After seeing the police party, the driver of the vehicle bearing registration No.MH-04-HD-2767 broke the barricade. When the said vehicle was stopped by the police five occupants including the petitioner of the said vehicle had tried to flee and fired a gun shot upon the

police party. Sarif-petitioner was apprehended at the spot. On his search one country made pistol, one used cartridge and 19 cows, 11 calves, 2 bulls and other articles were recovered from the vehicle.

Learned counsel for the petitioner contends that the offence punishable under Section 307 IPC was introduced on the alleged ground of firing upon police party by the petitioner. However, no injury was suffered by anyone. According to him, the petitioner was falsely indicted and is in custody for a period of more than six months. Investigation of the case is complete and the trial has commenced. It is pointed out that 01 out of 10 prosecution witnesses has been examined so far. In these circumstances, further custody of the petitioner may not be justified.

On the other hand, learned State counsel assisted by ASI Balbir Singh has opposed the bail application. However, it is not disputed that only one witness has been examined.

Considering the above background and the fact that the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

29.08.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No