

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

CRM-M-28832-2019 (O&M)

Date of decision : 16.07.2019

Rijwan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

Prayer in the petition is to grant regular bail to the petitioner in FIR No.35 dated 25.03.2018 registered under Section 13(II) of the Haryana Gauvansh Sanrakshan and Gau Savardhan Act, 2015 and Section 429 of the Indian Penal Code at Police Station Buria, District Yamuna Nagar.

Learned counsel for the petitioner submits that the petitioner was not arrested at the spot and he was arrested after a period of 5 months i.e. on 07.08.2018. He further submits that although learned Sessions Judge was much impressed by three more cases against the petitioner for similar offence, however, learned Sessions Judge has not noticed that out of 3 cases, petitioner has already been acquitted in two cases i.e. FIR No.511 of 2006 and FIR No.260 of 2012. He further submits that the trial in the 3rd case is pending. He further submits that the petitioner has been convicted in

the offence for jumping bail and has already undergone that sentence.

Learned counsel appearing on behalf of the State, on instructions from ASI Mahender Singh, has submitted that the petitioner is a habitual offender and does not care for law. He is involved in 4 criminal cases of such nature out of which he has been acquitted in 1 case and 3 cases are pending including the present FIR.

The petitioner is already in custody for more than 11 months. Prosecution has only examined 2 witnesses out of total 9 witnesses.

Without commenting on the merits of the case and keeping in view the fact that the conclusion of the trial is likely to take time and investigations are complete, the petitioner is directed to be released on bail on his furnishing bail bonds and heavy surety to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

16.07.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No