

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7409-2020

Decided on: 25.02.2020

Wazid

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Lakshay Bajaj, Advocate
for the petitioner.

Mr. Parminder Singh, AAG, Haryana
assisted by ASI Kanhiya Lal.

MAHABIR SINGH SINDHU, J (ORAL)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.311 dated 01.04.2018, under Sections 332 and 307 of the Indian Penal Code, 1860 (for short 'IPC'), Sections 25, 54 and 59 of Arms Act, 1959, Section 11 of The Prevention of Cruelty to Animals Act, 1960 and Section 13(1) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Chandni Bagh, Panipat.

Brief facts of the case are that on 01.04.2018, complainant Rinku Arya moved an application that he received an information that on the intervening night of 31.03.2018/01.04.2018 at about 11.30 p.m., the cows were being loaded for slaughtering near Sector 11-12, Nava Cot, Gurudwara. The complainant reached the spot to help his companions, but by that time the offenders had gone towards the side of Yamuna. In

the meantime, a Bolero Pick Up, white colour without number plate came there in which 8 to 10 persons were present. They started loading the cows in the same. When the complainant Rinku Arya raised objections, miscreants started firing upon the complainant. Thereafter complainant informed the police control room and started following the vehicle in which the persons were sitting. They started throwing stones upon the complainant which hit on his head and complainant fell down. Hence, the present FIR.

Contents that neither the petitioner has been named in the FIR; nor anything incriminating recovered during investigation. Also contends that the petitioner is in custody since 17.05.2018 and out of total 11 prosecution witnesses, 5 have already been examined; but none of them have identified him; nor any injury is attributed to the petitioner.

Learned State counsel, on instructions from ASI Kanhiya Lal, who is present in Court to assist him, opposed the bail on the ground that the petitioner is facing other criminal cases under the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015.

Heard both sides and perused the paper-book.

Concededly, the petitioner in custody since 17.05.2018, he was neither named in the FIR; nor has been identified during trial. Also noteworthy that no incriminating material has been recovered from the petitioner during investigation and the trial is likely to take sufficient long time. Therefore, in the opinion of this Court; his further incarceration would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate

bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, it is clarified that in case there is any recurrence on the part of the petitioner, State would be at liberty to move an application to recall this order.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

25.02.2020

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No