

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

205

CRM-M No.9993 of 2020

Date of Decision: June 5th, 2020

Nafeesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for grant of regular bail in FIR No.239 dated 22.11.2019 registered under Sections 5/13 (2), 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and 11-59-60 of Animal Cruelty Act, 1960 and 307, 120-B of IPC at Police Station Rozka Meo, District Mewat.

It is the contention of learned counsel for the petitioner that the petitioner has no connection whatsoever with the LP vehicle. He is neither the driver, conductor or the owner of the vehicle. He contends that although 14 oxen have been recovered from the vehicle, the allegation that he had tried to overrun the police party stands falsified with the fact that none of the police officials received any injury. He contends that the petitioner was arrested on 22.11.2019 and till date despite the charge having been framed on 27.02.2020, no witness has been examined out of the 10 cited by the prosecution. He, therefore, prays that the petitioner be granted the concession of bail.

Learned counsel for the State, on the other hand, asserts that there are serious allegations against the petitioner as not only was he

carrying 14 feeble oxen in the LP vehicle but two knives and an axe was also recovered. Effort was being made by the petitioner to run away from the spot and it is because of the action taken by EASI Satbir Singh, who evaded the initial attack by the petitioner who tried to overrun him but also put an iron rod with sharp nails on it, which led to the puncturing of the tyre of the vehicle resulting in the LP vehicle hitting the divider, which led to the arrest of the petitioner. His contention is that the petitioner be not granted the concession of bail.

I have considered the submissions made by the counsel for the parties and with their assistance, have gone through the relevant papers.

It is true that the petitioner was arrested from the spot and the recovery has also been effected as per the FIR but none of the police officials have been injured in the process. Petitioner was arrested on 22.11.2019 and till date not a single witness has been examined, although March end onwards, there have been adjournments because of the pandemic. That apart, with the prevailing situation, the trial is not likely to conclude in near future and, therefore, in the facts and circumstances of this case, where there is no injury to the police officials, with no other case against him, the present petition is allowed.

Petitioner is directed to be released on regular bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, District Mewat.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

June 5th, 2020

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No