

211 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-13294 of 2020 (O&M)

Date of decision : 11.06.2020

Tahir @ Tulla

... Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG Haryana.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 01 dated 01.01.2020, registered under Sections 279, 336, 307 read with Section 120-B IPC and Section 13(2) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of the Prevention of Cruelty to Animal Act, 1960., Police Station Ferozepur Jhirka, District Nuh.

2. The prosecution case is that on 01.01.2020, pursuant to secret information, the police party tried to stop LP Truck. Instead of stopping it, the driver tried to over run the vehicle over the police party. It was chased. Present petitioner along with driver of the vehicle, namely, Rahis and one Mustakeem were apprehended at the spot, while the other sped away. On checking, six cows were recovered from the vehicle.

3. Learned counsel for the petitioner submits that the petitioner is in custody since 01.01.2020. As per prosecution, he was not the driver of the

vehicle and no overt act has been attributed to the petitioner. According to him, no offence under Section 307 IPC is made out. He has further points out that similarly situated co-accused, namely, Mustakeem, who was also sitting on the vehicle and was arrested at the spot, has already been enlarged on bail by this Court vide order dated 14.05.2020 passed in CRM-M-12339 of 2020 and the petitioner is entitled to the same benefit.

4. Notice of motion.

5. Mr. Vikrant Pamboo, DAG Haryana, who has joined the proceedings on service of advance copy of petition, accepts notice and opposes grant of bail. He would argue that the petitioner and his co-accused tried to crush the police party under the wheels of the vehicle. On a query posed by this Court, learned State counsel does not controvert that similarly placed co-accused has already been enlarged on bail.

6. The petitioner is in custody since 01.01.2020. The trial will take long time to conclude. Therefore, without advertent to the merits of the case, I am of the considered view that on the ground of parity the petitioner is entitled to the benefit of regular bail.

7. In the premise, petition is allowed. The petitioner is ordered to be released on regular bail subject to his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Nuh.

11.06.2020

Jiten

1. Whether speaking/ reasoned:

2. Whether reportable:

(ARUN MONGA)

JUDGE

Yes/ No

Yes/ No