

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14575-2020 (O&M)
Date of decision: 25.06.2020

Ikram @ Manna

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.494 dated 28.11.2013 under Sections 148, 149, 307, 279, 429, 353, 186, 304, 420, 467, 468, 471, 120-B IPC, Section 25 of Arms Act, 1959, Section 8 of Haryana Prohibited Cow Slaughtering Act, 1972, Section 3 of PDPP Act, 1984 and Section 11 of Animal Cruelty Act, 1965, registered at Police Station Sadar Hansi, District Hisar.

Learned counsel for the petitioner submits that the petitioner is in custody since 19.05.2018 and out of total 44 prosecution witnesses, only 18 PWs have been examined so far. Learned counsel relies upon the order dated 06.02.2020 passed in CRM-M-32438-2019, vide which regular bail was granted to co-accused Sajid. The operative part of the order reads as under: -

“...Counsel for the petitioner, at the very outset, submits that as

per the allegations in the FIR, registered at the instance of the complainant Sumit Kumar, on 27.11.2013 at night, he heard some noise and found that 6-7 persons were loading cows in a canter. Thereafter, he had informed the other persons in the meantime, and when the driver of the canter tried to escape, he was chased by some persons and later, the FIR was registered with the aforesaid allegations.

Counsel for the petitioner has argued that the petitioner was not arrested at the spot and was declared as proclaimed person and was later arrested on 30.06.2018. It is further submitted that the other accused, who faced the full length trial in Sessions Case No.171 of 2015, were acquitted by the Additional Sessions Judge, Hisar vide judgment dated 17.12.2019. Counsel for the petitioner has, thus, argued that the evidence against the petitioner, if any, will be same and the chances of his conviction are bleak.

Counsel for the State, on instructions from SI Rameshwar Dass, has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involve in some more FIRs. It is also submitted that the co-accused of the petitioner stands acquitted by the trial Court.

Without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner have already been acquitted; the petitioner is in custody since 30.06.2018 and conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on

bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.”

Learned counsel for the petitioner further submits that allegations against the petitioner are identical in nature and conclusion of the trial will take long time.

Learned State counsel has not disputed the factual position and has submitted that allegations against the petitioner are serious in nature.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

25.06.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No