

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

212

**CRM-M-17502-2020
Date of decision: 21.08.2020**

Israar @ Chhota

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.797 dated 15.12.2017 registered under Sections 307, 323 and 420 of the Indian Penal Code, 1860 (for short, "IPC"), Section 25 of the Arms Act, 1959, Section 11-D of the Animals Cruelty Act and 13 (I) of the Haryana Gauvansh Sanrakshan and Gau Savardhan Act, 2015 at Police Station Assandh, District Karnal.

The facts relevant for disposal of the present petition are that on 14.12.2017, Deepak a member of Goraksha Dal, Haryana along with his companions, Rahul Rana, Monty, Bhim, Rajesh, Sonu Sharma reached in the forest of Village Rangrooti Khera on receipt of secret information regarding loading of cows there for the purpose of

slaughtering and found that 8 persons were loading cows in two canters. On seeing them, those persons fled from the spot with the vehicles. The complainant and his companions chased them and got their vehicles stopped near Essar Petrol Pump Assandh but those persons fired 7/8 gun shots aiming the complainant and his companions. The complainant and his companions caught two of them namely Nakeem and Ishrar (petitioner) while the remaining persons fled from the spot. On checking, two cows each were found loaded in the canters. On statement of Deepak, the above said FIR was registered. The police investigated the case and filed challan against the petitioner and his co-accused. The petitioner was granted bail but during trial the petitioner absented on which the petitioner was declared proclaimed offender on 30.03.2019. The petitioner was thereafter arrested on 27.09.2019 and is in custody since then.

Learned State counsel has appeared and opposed the petition in terms of the status report filed by way of affidavit of Ramesh Chand, HPS, Deputy Superintendent of Police, Assandh, Karnal in the registry which is taken on record.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was granted bail by the Court during trial but on absence was declared proclaimed offender. The petitioner could not appear on the date fixed due to noting down of wrong date. The trial is likely to take long time and no useful purpose will be served by further detention of the

petitioner in custody during trial. The petitioner is ready to comply with the conditions regarding his appearing before the Court. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that in view of the gravity of accusation and his previous misconduct, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds in heavy amount to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.08.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No