

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

CRM-M-25338-2020 (O & M)
Date of decision: 09.09.2020

SALMUDDIN

.....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Munfaid Khan, 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.

CRM-21413-2020

Prayer in the application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') is for exemption from filing court fees and welfare ticket.

In view of the lock down restrictions imposed to prevent spread of Covid-19 and the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing court fees and welfare ticket as prayed for and the same be filed within one week from the date of resumption of normal working.

CRM-M-25338-2020

The petitioner has filed the present (first) petition under Section 439 of the Cr.P.C. for grant of regular bail in case FIR No. 75

dated 15.02.2020 under Sections 3/13(1), 8/13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (for short 'the 2015 Act') registered at Police Station Nuh, District Nuh.

Briefly stated, the case of the prosecution against the petitioner is that on 15.02.2020 the police party headed by S.I. Sunil Kumar conducted raid on the basis of secret information as to petitioner indulging in cow slaughtering and selling beef but the petitioner escaped and could not be apprehended on the spot at the time of raid. One Ox was found to have been slaughtered and one calf was found to be tied with a tree situated there and instruments one big knife, axe, weighing scale and 2 kg weight were recovered from the spot.

The petitioner, who is in custody since the date of his arrest, has filed the present petition for grant of regular bail.

The petition has been opposed in terms of reply filed by way of affidavit of Chanderpai, HPS Deputy Superintendent of Police, Ferozpur Jhirka District Nuh on behalf of the State.

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 on the basis of alleged secret information. There is no video or photograph of the place of occurrence and identification of the petitioner by independent witness. The petitioner has been falsely involved in three other cases of the similar nature but he is on bail in those cases. The trial is likely to take long time due to restrictions imposed to prevent the infection of Covid-19.

No useful purpose will be served by detention of the petitioner in

custody during trial. Therefore, the petitioner may be ordered to be enlarged on regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is habitual offender and is involved in three other cases. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

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

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

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence under the 2015 Act and in case of commission of similar offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

09.09.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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