

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-29851-2020

Date of Decision: 9.10.2020

Shamsher

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rakesh Gupta, Advocate
for the petitioner (s).

Mr. Kirpal Singh Thakur, AAG, Haryana.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present petition has been filed under Section 439 Code of
Criminal Procedure for grant of regular bail to the petitioner in case FIR
No.269 dated 22.6.2020 registered for the offences punishable under
Sections 279, 307, 336, 427, 34 of Indian Penal Code (for short, "IPC"),
Section 25 of Arms Act, Section 11 of the Prevention of Cruelty to Animals
Act, 1960 and Section 13(2) of the Haryana Gausvansh Sanrakshan and
Gausamvardhan Act, 2015 at Police Station City Palwal, District Palwal.

Heard.

The bail application is opposed by the State. Reply on behalf of
the State is filed by Yashpal Khatana, DSP, District Palwal.

I have heard the learned counsel for the petitioner and learned
State counsel.

Learned counsel for the petitioner submits that no such firing incident took place. No one was injured in the alleged incident. It is further submitted that the petitioner is in custody since 26.6.2020 and he was not arrested from the spot at the time of the occurrence. It is prayed that the petitioner be released on bail as the trial is yet to commence.

On the other hand, learned State counsel contends that the petitioner and his companions resorted to firing and that they were illegally transporting 22 cows. It is further contended that the petitioner is not entitled to grant of bail.

I have considered the submissions made by the learned counsel for the petitioner as well as the learned State counsel.

As per the allegations in the FIR, complainant-Shailender received secret information regarding illegal transportation of cows by the accused and his accomplices in truck No.UP-77T-2637 on 22.6.2020. On the basis of the said secret information, the police officials laid barricades near Tumsara Toll Plaza and in the meantime, the aforesaid truck was seen coming. On noticing the police officials, the driver of the said truck, tried to sped away by hitting the barricades and the occupants of the truck also fired on the police party. While doing so, the truck struck against two Maruti cars and also hit the electricity pole. All the miscreants escaped while leaving the behind the truck. On checking, 20-22 cows were found from the said truck, which were being transported for the purpose of slaughtering.

As per the written reply submitted by the State, the petitioner was arrested in this case on 25.6.2020 after his discharge from Nalhar Hospital, District Nuh. As per the prosecution, one empty cartridge was recovered at the time of spot inspection.

Admittedly, no one sustained injuries at the time of the alleged incident. No fire arm was recovered from the possession of the petitioner, who is in custody for the last about 4 months. The investigation in this case has already been completed but the trial is yet to commence. It will take considerable time to complete the trial.

In the given circumstances, no purpose will be served by keeping the petitioner in custody for any longer period. Thus, without commenting on the merits of the case, this petition is allowed and the petitioner is directed to be released on regular bail pending trial, on his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Palwal and the petitioner is directed to appear in the trial Court on each and every date of hearing, without fail.

October 9, 2020

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No