

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

-.-

CRM-M-33295-2020 (O&M)

Date of decision : 25.11.2020.

Aash Mohd.

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Mohammad Arshad, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'CrPC') for grant of regular bail to the petitioner in FIR No.0358 dated 03.09.2020 under Sections 13(1) and 13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Ferozepur Jhirka, District Nuh Mewat, Haryana.

Learned counsel for the petitioner has contended that the role attributed to the petitioner in the FIR is that he was apprehended at the spot packing the meat seized from the spot. Learned counsel for the petitioner would further contend that the petitioner has falsely been implicated in the case and that FSL Report is yet to be received in the present case and in the absence of FSL Report it cannot be ascertained whether the meat was cow meat or otherwise.

Mr. Naveen Singh Panwar, DAG, Haryana is not in a position to deny that the FSL Report has not been received in the present case. As per the custody certificate dated 03.11.2020, there is no other case pending against the petitioner and the petitioner has been in custody for 01 month and 29 days.

In view of the fact that FSL Report is yet to be received in the present case and in the absence of the FSL Report it cannot be determined as to whether the meat recovered is cow meat or otherwise, I deem this to be a fit case for grant of regular bail to the petitioner till the receipt of the FSL Report.

Accordingly, the present petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned till the receipt of the FSL Report. On receipt of the FSL Report the petitioner is directed to surrender forthwith.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

November 25, 2020
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No