

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

CRM-M No.32438 of 2019

Date of decision: 06.02.2020

Sajid

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

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

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/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

06.02.2020
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No