

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-5822-2021 (O&M)
Date of Decision:- 12.2.2021

Jabbar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manoj Kumar Pundir, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Umesh Kumar.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. FIR No.327, dated 10.9.2020, Police Station Sadar Yamuna Nagar, under Sections 379, 411, 120-B IPC and Section 11 of Prevention of Cruelty to Animals Act, 1990 (Sections 420, 467, 468, 471 IPC added later on).

2. The FIR is based on the secret information to the effect that Azan, Mosin, Jabbar, Isran, Aas Mohd. and Faruk steal buffaloes during night time and transport them to Uttar Pradesh in a pick-up Bolero vehicle bearing registration No.UK-17-CA-3176 and that owner of the said vehicle is also involved in the said theft. Information was further to the effect that even on the said day i.e. on 10.9.2020, the aforesaid persons were going through an unmetalled road of village Lapra. Pursuant to receipt of said information barricading was held and a vehicle bearing registration No. UK-17-CA-3176 was seen coming but the said vehicle halted at a short distance from the barricades and the occupants of the same ran away from the spot under the cover of darkness. The search of the vehicle led to recovery of 4 buffaloes and a calf.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and was never ever arrested or identified at the spot.
4. Opposing the petition, learned State counsel has submitted that it is well organized crime where the cows and buffaloes are stolen from the State of Haryana and sold them in Uttar Pradesh and that in the instant case apart from 6 persons named in the FIR two more persons namely Mumtaj and Afzal were nominated as accused. Learned State counsel has further submitted that the petitioner is a habitual offender having been involved in 24 such cases and as such does not deserve the concession of bail.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the fact that the petitioner was never apprehended at the spot or identified at the spot and in any case has been behind bars since the last more than 2 months and challan already stands presented, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

February 12, 2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No