

Hasan Mohammad

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Afzal Hussain, Advocate, for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conference.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.6, dated 03.01.2021, having been registered at Police Station Ferozepur Jhirka, District Nuh, alleging therein the commission of offences punishable under Sections 3/13(1), 8/13(3), 17 of the Haryana Gauthansh Sanrakshan and Gauthamvardhan Act, 2015, and Section 411 of the IPC.

A reply to the petition has been filed by the DSP, Ferozepur Jhirka, dated April 30, 2021, which is ordered to be taken on record.

Learned counsel for the petitioner submits that in fact the petitioner has been falsely implicated on the basis of alleged secret information received, with no other criminal case registered against him.

He further submits that in any case he has now been in custody for the past 7 months with the trial still to commence and with all material witnesses being police officials.

Learned State counsel, while otherwise opposing the petition on the ground that beef was actually recovered from the petitioner,

further submits that another criminal case alleging therein the commission of an offence punishable under Section 379 of the IPC stands registered against the petitioner; but of course as regards the stage of the trial, he submits that the charge is still to be framed, though the report under Section 173 (2) Cr.P.C. has been submitted.

Though otherwise, with beef actually stated to have been recovered from the petitioner as per the FIR, the petitioner may not be entitled to the concession of bail (with there being no statutory bar shown to this court under the provisions of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015), yet, simply keeping in view the fact that he has been in custody for more than 7 months with the trial still to commence and the material witnesses all being police officials, without making any comment on the actual merits of the case, the petition is allowed and he is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court concerned.

August 26, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO