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

**CRM-M-11573-2021
Date of Decision: 27.07.2021**

BABU AND OTHERS

..... Petitioners

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Shalender Mohan, Advocate
for the petitioners.

Mr. Vishal Kashyap, DAG, Haryana
assisted with ASI Rajesh Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioners seek grant of regular bail in a case registered against them vide FIR No.0050 (Annexure P-1) dated 29.01.2021 at Police Station Sadar Hisar, under Sections 13(2)/7 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015; under Sections 11, 59 and 60 of Animal Cruelty Act and under Sections 307, 428, 429 and 34 IPC.

2. The FIR was lodged on the basis of receipt of secret information to the effect that a truck was proceeding from Agroha to Hisar in which oxen were being transported. Upon receipt of said information barricading was held and a truck bearing registration No.HR46C-7789 was

signaled to stop, but the driver instead of halting the truck tried to run over the same on the police party though police officials managed to save their lives by moving away. However, after proceeding for a short while, the driver stopped the truck and the three persons sitting in the same were caught by the police, who disclosed their names as Babu, Kalwa and Faazil. The search of the truck led to recovery of 22 oxen out of which one was found to be dead and 3 were found to be injured.

3. Learned counsel for the petitioners has submitted that a false FIR has been lodged against them and that although offence under Section 307 IPC has also been added, but no injury whatsoever was found to be sustained by any of the police official. Learned counsel has further submitted that in any case since all the recoveries have already been effected and challan stands presented, the petitioners deserve to be released on bail.

4. Opposing the petition, learned State counsel has submitted that in view of the serious nature of allegations and the fact that one of the oxen was found to be dead, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioners as on date have been behind bars since the last 6 months and that challan already stands presented.

5. I have considered the rival submissions addressed before this Court.

6. Having regard to the facts and circumstances of the case and while also noticing that challan already stands presented and the petitioners have been behind bars since the last about 6 months, further detention of the petitioners, in these circumstances, would not be justified. The petition, as

such, is accepted and the petitioners are ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.07.2021

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**(GURVINDER SINGH GILL)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No