

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

CRM-M-29318-2021 (O&M)

Date of decision : 20.09.2021

Jafar

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Saleem Ahmed, Advocate for the petitioner.

Mr. Sharad Aggarwal, AAG Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the fourth petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.205 dated 12.08.2020 under Sections 3/13(1), 8/13(3), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 registered at Police Station City Nuh, District Nuh.

The first petition being CRM-M-37064-2020 was dismissed as withdrawn on 16.11.2020 and the second petition being CRM-M-422-2021 was also dismissed as withdrawn on 12.01.2021. The third petition being CRM-M-9811-2021 was got dismissed as withdrawn with liberty to file afresh with better particulars.

Learned counsel for the petitioner would contend that the change in circumstances since the filing of the earlier petitions is that the charges were framed on 18.01.2021 and the petitioner has been in custody since 29.08.2020. He would further contend that there is one case pending against the petitioner in which he is already on bail.

Learned counsel for the petitioner would further contend that out of 8 prosecution witnesses, only 3 stand examined and further that the trial is likely to take a long time to conclude especially in view of the Covid-19 pandemic.

Learned counsel for the State on instructions from SI Ramesh Chand is not in a position to deny the fact that after framing of charges on 18.01.2021, out of 8 prosecution witnesses, only 3 stand examined.

Heard.

In view of the above and considering the facts that the petitioner has been in custody since 29.08.2020 and the charges in the present case were framed on 18.01.2021 after withdrawal of second petition i.e. CRM-M-422-2021 and out of 8 prosecution witnesses only 3 stand examined, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting upon the merits of the case, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds with heavy surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

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

Disposed off.

(ALKA SARIN)
JUDGE

20.09.2021
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO