

CRM-M-31400-2020 and other connected petitions

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

Date of Decision:15.01.2021

1. CRM-M-31400-2020

Aman

...Petitioner

Vs.

State of Haryana

....Respondent

2. CRM-M-32563-2020

Mange Ram

...Petitioner

Vs.

State of Haryana

....Respondent

AND

3. CRM-M-41753-2020

Ahkam

...Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Mehak Sawhney, Advocate,
for the petitioner in CRM-M-31400-2020.

Mr. Birinder Singh Khehar, Advocate,
for the petitioner in CRM-M-32563-2020.

Mr. G.C.Shahpuri, Advocate,
for the petitioner in CRM-M-41753-2020.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (Oral)

All the cases are taken up together for hearing through video
conferencing.

CRM-M-31400-2020 and other connected petitions

This order shall dispose of the above noted three petitions, whereby the petitioners have sought grant of regular bail in case bearing FIR No.322 dated 03.09.2020 registered under Section 13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 at Police Station Sadar Yamunanagar, District Yamunanagar.

Learned counsel appearing for the petitioners state that the petitioners have been falsely implicated in the above noted case; that the falsity contained in the FIR is apparent from the very fact that there is no independent witness to justify the alleged recovery; that there is nothing on record to connect the petitioners with the alleged sale of beef at Chandigarh or Delhi; that the petitioners have been in custody since the date of registration of the FIR and that no recovery is to be effected from the petitioners. On this premise, counsel for the petitioners submit that as the petitioners are no longer required for custodial interrogation, their further incarceration is not justified.

Per contra, the learned State counsel while opposing the prayer for bail submits that it is a case where the petitioners have been found dealing with and carrying out the sale of beef, which is prohibited under law and hence they are not entitled to the concession of regular bail. It is further submitted, that the learned trial Court while declining the bail petition of the petitioners has rightly observed that if enlarged on bail, the petitioners may destroy the evidence and flee from the trial.

I have heard the learned counsel for the parties.

Incontrovertibly, the petitioners have been in custody for the last more than three months. No recovery is to be effected from the petitioners. Though the challan stands presented, the charges are yet to be framed and thus, the trial is not likely to conclude any sooner. Therefore, this Court sees no justification in retaining the petitioners behind the bars for any further period.

CRM-M-31400-2020 and other connected petitions

In view of the above, without commenting on the merits of the case lest it should prejudice the case of either side, all the three petitions are allowed. The petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of Trial Court/Duty Magistrate.

15.01.2021
ds

(Harnaresh Singh Gill)
Judge

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No