

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

208

**CRM-M No.34738 of 2020
Date of decision:12.01.2021**

Nadeem

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Farukh Abdullah, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.0365, dated 07.09.2020 registered under Section 3/13(1) and 8/13(3) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, at Police Station Ferozepur Jhirka, District Nuh, Haryana.

Counsel for the petitioner has urged that the FIR was registered against him on the basis of a secret information. He submits that though the petitioner was named in the another FIR registered under the provisions of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 but he was acquitted on 14.12.2016. He submits that the

offence is triable by a Magistrate. It is his argument that the petitioner is in incarceration since 10.09.2020 and due to outbreak of the pandemic, the trial is not progressing, therefore, petitioner deserves to be released on bail.

Per contra, learned State counsel upon instructions from SI Sitaram has opposed the petition. He has filed custody certificate dated 09.01.2021, which is taken on record. By referring to status report, dated 07.01.2021, State counsel has submitted that approximately 70 kg beef, weighing machine, one knife, one axe and one wooden log were recovered from the house of the petitioner and he was also apprehended at the spot though, he tried to run away. He has instructions to state that the challan has been presented on 29.10.2020 though, the charges are yet to be framed.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegation, gravity of offence and the fact that the trial is likely to take time due to spread of contagion, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Henceforth, in case, the petitioner is found to be involved in any other case of a similar nature, it will be open to the prosecution to

seek cancellation of his bail.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

12.01.2021

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No