

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(208)

CRM-M-39408-2021

Date of decision: - 27.09.2021

Mohd. Aaqib Lohar @ Mohd. Akshaf

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sunny K. Singla, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.105 dated 05.08.2021, registered under Section 11 of the Prevention of Cruelty of Animal Act, 1960; Section 8 of the Punjab Prohibition of Cow Slaughter Act, 1955 and Sections 379-B, 384, 506 IPC, at Police Station City-I, Malerkotla, District Sangrur.

Learned counsel for the petitioner argues that Sections 379-B, 384 and 506 IPC have already been withdrawn from present FIR and another FIR being FIR No.134 dated 22.09.2021 under Sections 379-B, 384 and 506 IPC has been registered against the petitioner.

Learned counsel for the petitioner further argues that keeping in view the

fact that Sections 379-B, 384 and 506 IPC have been withdrawn from the present FIR, the petitioner is entitled for the grant of regular bail in respect of FIR No.105 dated 05.08.2021.

Notice of motion.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel concedes the above-mentioned fact and submits that as no allegation alleged against the petitioner remains as the part of present FIR and a fresh FIR has been registered qua the conduct of the petitioner, hence, he has no objection in case the petitioner is granted the concession of regular bail in present FIR.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that Sections 379-B, 384 and 506 IPC have been withdrawn from the present FIR and have been made part of another FIR, petitioner is entitled for the grant of regular bail in the present FIR.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial or the witnesses in any manner and in case of

default of the above undertaking, the State/complainant will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 27, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No