

CRM-M-34729 of 2020

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

**CRM-M-34729 of 2020
Date of decision:05.04.2021**

Aasif

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Rosi, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana
for the respondent-State.

SUVIR SEHGAL J.

Through the instant petition filed under Section 439 of the Code of Criminal Procedure, 1973, the petitioner is seeking grant of regular bail in FIR No.254 dated 19.07.2020 lodged for offences under Sections 307, 120-B of Indian Penal Code, 1860, Section 13(2) of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Sections 5, 11, 17 of the Prevention of Cruelty to Animals Act, 1960 and Section 11 of Prevention of Damage to Public Property Act, 1984 at P.S.Hodal, District Palwal (Annexure P-1).

FIR was registered on the complaint of Head Constable, Mahender Singh, on the allegation that on the basis of a secret information, a police barricade was set up and when the petitioner, who was driving a canter was signaled to stop, he tried to run the vehicle over the police party and a bovine protector (Gourakshak). After being forced to stop the vehicle,

the petitioner and two other co-accused tried to run away, however, the petitioner and co-accused, Irshad were arrested, whereas, the third co-accused, Sunny managed to flee. On inspection, the vehicle was found to be loaded with eight oxen, five heifers and three cows, whose mouth and legs were tied and were stuffed on top of each other.

Counsel for the petitioner has argued that the petitioner has no nexus with the alleged offence and there is no specific allegation against him. She submits that the petitioner has been falsely implicated. Counsel has urged that the alleged offence under Section 307 IPC has been introduced despite the fact that no grievous injury has been suffered by any of the injured.

Opposing the petition, State counsel upon instructions from ASI Om Parkash submits that the petitioner is the driver of the vehicle and had tried to escape from the spot upon being asked to stop. He has made a reference to the status report filed by way of affidavit dated 01.03.2021 of Deputy Superintendent of Police, Hodal, District Palwal, which is taken on record and to the MLR of police official and bovine protector. As per his instructions, the challan has been presented on 11.09.2020 but the case is awaiting committal to the Sessions Court. He submits that the third accused is deliberately evading arrest despite the fact that all efforts are being made to trace him.

I have considered the respective submissions of the counsel for the parties.

There are specific allegations against the petitioner and his name has also been mentioned in the secret information received by the police officials. The secret information has been corroborated with the arrest of the petitioner and recovery of 16 cattle heads allegedly effected from the canter which he was driving. The cattle heads were being carried in callous condition probably for the purpose of slaughter. Still further, accusation against the petitioner is that instead of cooperating with the police officials and stopping for checking, he tried to run them over and attempted to flee from the spot. Though the police report has been submitted, the charge is yet to be framed and the trial has not yet started. This Court, therefore, does not find any reason to grant the concession of regular bail to the petitioner, particularly, considering the stage of the trial, as well as his period of incarceration.

The petition is, accordingly, dismissed at this stage.

It is clarified that nothing said hereinabove shall be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

April 05, 2021
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No