

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214(1) CRM-M-40281-2020

DanishPetitioner

Versus

State of HaryanaRespondent

214(2) CRM-M-2249-2021

TarikhPetitioner

Versus

State of HaryanaRespondent

Date of Decision:11.02.2021

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Namit Khurana, Advocate,
for the petitioner(s).

Mr. Rajat Gautam, D.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This order shall dispose of two petitions i.e. CRM-M-40281-2020(Danish Versus State of Haryana) and CRM-M-2249-2021(Tarikh Versus State of Haryana).

Prayer in these petitions filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner(s) in FIR No.150 dated 21.09.2020 under Sections 379 IPC and 3, 13(1) of the Haryana Gauvansh Sanrakshan

District Yamuna Nagar.

Briefly stated, the complainant-Shokin has reported the matter to the police that on 18.09.2020 at about 09.00 PM, he tied his animals in the bara after feeding them fodder. However, on 19.09.2020 at about 06.00 AM, when he went to the bara, he found one calf aged about three years missing. It revealed that some unknown persons had stolen the said animal. The complainant tried to search for the same and came to know that during the intervening night of 18/19/09.2020, accused Tarik, Ikrar and Danish have stolen his calf and after slaughtering his calf, ate beef of this animal.

Learned counsel for the petitioner(s) has argued that the petitioner(s) are in custody since 23.09.2020. There is no evidence against the petitioner(s) as to how the petitioner(s) are connected in the present FIR. The complainant has involved the petitioner(s) just to settle the personal grudges. The present FIR has been registered after an inordinate delay of three days and the petitioner(s) are not involved in other FIR of similar offences.

Learned State Counsel, on instructions from ASI Suresh Chand, does not dispute the custody period of the petitioner(s) and the fact that challan in the case has been presented and there is no other case against the petitioner(s) of similar nature.

Heard learned counsel for the parties.

The petitioner(s) are in custody since 23.09.2020. No other case has been pointed out against them. Considering the fact that challan in the case has been presented and trial in the case is not likely to be concluded in the near future, as no prosecution witness has been examined so far, this Court deems it appropriate to admit the petitioner(s) on bail.

Accordingly, the present petitions are allowed and the petitioner(s) are admitted on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

February 11, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No