

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

CRM-M-41599 of 2020

DATE OF DECISION :- February 25, 2021

Kayyum

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Munfaid Khan, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioner Kayyum son of Sarif, aged 28 years, resident of village Jalalpur, Ferozepur, Police Station Nagina, District Nuh, an accused in F.I.R. No. 206 dated 13.9.2020, registered with Police Station Pinangwan, District Nuh for offences under Sections 3/13(1), 8/13(3), 17 of The Haryana Gouvansh Sanrakshan and Gausamvardhan Act, 2015.

Briefly stated the facts of the case as per prosecution story are that on 13.9.2020, on receipt of secret information that present petitioner Kayyum is engaged in profession of slaughtering of cow and on that date he would carry fresh beef in a jute bag on his motorcycle coming from Marora side going towards Dhadoli Kala via Khanpur Ghati. A picket was laid and petitioner accused while coming on motorcycle carrying jute bag thereon was intercepted. He was apprehended and the jute bag being carried by him

on his motorcycle was found to contain 23 Kgs freshly slaughtered cow meat as blood was oozing from it. It was being taken into possession. The accused was arrested in this case.

Formal F.I.R. was registered and investigation in the case started. After completion of investigation, challan against the accused is said to have been filed in the Court on 25.10.2020. As informed by the State counsel, the case has been referred by learned Additional Sessions Judge vide order dated 22.2.2021 for sending it to the Court of Judicial Magistrate, Ferozpur Jhirka since the offences which are disclosed against the accused are triable by the Court of Magistrate. The petitioner had filed an application for grant of regular bail before the Court of Sessions at Mewat, which was assigned to Additional Sessions Judge, Mewat, who vide order dated 4.12.2020 dismissed the same, as such, he has approached this Court craving for grant of similar relief which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

On being enquired, learned State counsel on instructions from SI Chanderbhan has informed that petitioner is not involved in any other criminal case. He is in custody since the date of registration of the F.I.R i.e. 13.9.2020. Though challan against him has been filed but charge is yet to be framed and witnesses are yet to be examined. In that way, conclusion of trial is likely to take considerable time. The guilt of the accused shall be determined during the trial. His further detention is not going to serve any useful purpose, as such the petition is accepted and it is hereby allowed.

Petitioner Kayyum is ordered to be released on bail on his furnishing bail

bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty

Magistrate, Mewat at Nuh subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.
- (v) he shall join the investigation as and when directed by the Investigating Officer.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

February 25, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No