

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

(Through Video Conferencing)

CRM-M-42978-2020

Date of Decision: 04.01.2021

JAMSHED @ CHIMMA

.....*Petitioner*

V/s.

STATE OF HARYANA

.....*Respondent*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

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

Mr. Rajiv Goel, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.264 dated 28.07.2020 registered under Section 13(1) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 511 of the IPC (Section 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 added later on) at Police Station, Nuh, District Nuh, Haryana.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case in hand. He was neither apprehended from the spot where 5 cows, 5 bulls and 3 calves were found tied under the tin shed. She further submitted that in fact the place from where the cattle were recovered was not even owned by the petitioner. She has further submitted that the petitioner has been in custody since 10.10.2020 and is not involved in any other case of similar nature. He has also submitted that

the trial is unlikely to conclude in the near future as only challan has been presented so far. Hence, the petitioner may be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from HC Suraj, has submitted that the challan was presented on 19.11.2020 before the trial Court and charges are likely to be framed on the next date of hearing. He has further conceded the fact the petitioner is not involved in any other case, much less, under the Gauvansh Sanrakshan and Gausamvardhan Act, 2015.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 10.10.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. The present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 4, 2020

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

Whether speaking / reasoned : *Yes*
Whether Reportable : *Yes / No*