

**106+215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-9995-2021 in/and
CRM-M-43912-2020
Date of Decision:07.04.2021

AashuPetitioner
Vs.
State of HaryanaRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Munfaid Khan, Advocate,
for the applicant/petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On 18.02.2021, the following order had been passed by this
court:-

“By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.106, dated 20.07.2020, having been registered at Police Station Rojka Meo, District Nuh, alleging therein the commission of an offence punishable under Section 3/13 (1), 8/13(3), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015.

A status report by way of an affidavit of the Deputy Superintendent of Police, Nuh, dated 10.02.2021, has been filed, firstly reiterating the contents of the FIR and thereafter stating that upon investigation

the petitioner was found to be guilty of the offence alleged to have been committed and that the *challan* (report under Section 173 of the Cr.P.C.) has been submitted to the Ilaqa Magistrate on 15.09.2020, with, however, charges still to be framed; and that if the petitioner is admitted to bail at this stage, he may influence the witnesses and also may not appear before the trial court as and when required.

As regards the charges not having been framed, learned State counsel submits that, as per the instructions of a police official, the charges were framed actually on 18.01.2021, but with the next date of hearing before the trial court being tomorrow, for the presence of the petitioner.

He further submits that with another FIR registered against the petitioner, for a similar offence, he may not be admitted to bail.

Learned counsel for the petitioner submits that there being no photograph, no video recording and no independent witness joined in the alleged recovery of beef (which, he submits, has also not

been established to be beef in the first place by way of any report submitted to this court), and the petitioner having been in custody since July 20, 2020, and the trial obviously not effectively having been commenced, he deserves to be admitted to bail.

Having considered the matter, it is seen that as regards no independent witness being present (as contended), one Juggi is shown to have been present at the spot, with allegedly 100 kgs. of beef alongwith two big knives and axe and 5 kg. Weight, having been recovered.

Learned counsel submits that the aforesaid Juggi belonged to a particular sect/political/religious party, and therefore he cannot be stated to be an independent witness.

That contention, at this stage at least, this court cannot agree with, but looking at the fact that the trial is still to commence, with the charge having been framed, hearing in the matter is adjourned to 07.04.2021.

The trial court is directed to ensure that the witnesses other than police officials, as have been listed as prosecution witnesses, are examined at the outset. A report in that regard be sent to this court before the next date of hearing.”

Today, learned counsel for the petitioner submits that the petitioner no longer wishes to pursue this petition.

Dismissed as withdrawn.

CRM-9995-2021 has been rendered infructuous as the main petition itself has been withdrawn.

April 07, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO