

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

213

**CRM-M-369-2021
Date of decision: 22.03.2021**

Sabir Ali @ Saibar Ali

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Simranjeet Singh, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.370 dated 19.11.2020 registered under Sections 13(1) and 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Sections 279 and 506 of the Indian Penal Code, 1860 at Police Station Bhuna.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Ajaib Singh, HPS, Deputy Superintendent of Police, Fatehabad.

I have heard arguments addressed by learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner is alleged to be driving the truck in question. The petitioner was not owner of the 14 bulls carried in the truck which allegedly belonged to the co-accused. The petitioner is in custody since 20.11.2020. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. The petitioner is not involved in any other case under the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that in view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

However, learned State Counsel has conceded that the petitioner is not involved in any other case under the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, role attributed to him, the fact that the petitioner is not involved in any other case under the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is

ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any offence under the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 after his release on bail and in case of commission of any such offence by him in future, his bail in the present case shall also be liable to be cancelled on application to be filed by the prosecution in this regard.

22.03.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No