

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

212

CRM-M-8256-2022

Date of Decision:12.05.2022

AASIF

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Imtiyaz Hussain, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

SUVIR SEHGAL, J.

This is the second petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.254 dated 19.07.2020 registered for offence under Sections 307, 120-B of IPC, 1860, Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Sections 05, 11, 17 of the Prevention of Cruelty to Animals Act, 1960 and Section 03 of Prevention of Damage to Public Property Act, 1984, at Police Station Hodal, District Palwal, Annexure P-1.

Heard counsel for the petitioner.

Petitioner, who was driving a canter alongwith his co-accused, Irshad, who was travelling with him, were arrested from the spot. Recovery of eight oxen, five heifers and three cows with their mouth and legs tied, who were packed like sardines in the vehicle, was effected. The first petition preferred by the petitioner (CRM-M-34729-2020) was rejected by this Court vide order dated 05.04.2021, with the following observations:-

“There are specific allegations against the petitioner and his name has also been mentioned in the secret information received by the police officials. The secret information has been corroborated with the arrest of the petitioner and recovery of 16 cattle heads allegedly effected from the canter which he was driving. The cattle heads were being carried in callous condition probably for the purpose of slaughter. Still further, accusation against the petitioner is that instead of cooperating with the police officials and stopping for checking, he tried to run them over and attempted to flee from the spot. Though the police report has been submitted, the charge is yet to be framed and the trial has not yet started. This Court, therefore, does not find any reason to grant the concession of regular bail to the petitioner, particularly, considering the stage of the trial, as well as his period of incarceration.”

Except for the framing of the charge, there is no progress in the proceedings and the prosecution evidence has not started. This Court is of the opinion that keeping in view the nature of allegations, gravity of offence and the fact that the petitioner, who was apprehended from the spot, is probably responsible for treating the animals with cruelty, is not entitled to be released on bail at this stage. Furthermore, there is no change in the circumstances so as to enable in the Court to exercise the discretion in his favour.

Finding no merit in the petition, it is hereby dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

12.05.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No