

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

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CRM-M-9754-2022

Date of Decision : **August 01, 2022**

KALIM AHMAD ALIAS SARDAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

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CRM-M-17641-2022

MOHAMMAD REHAN

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. D.S.Virk, Advocate
for the petitioner in both the cases.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

Both the petitions are taken up together since the prayer made in both the cases is for grant of regular bail and arise from the same FIR.

Mr. D.S.Virk, Advocate has filed his power of attorney in CRM-M-9754-2022 which is taken on record. He has stated that he has instructions to appear in this case as well.

The learned counsel for the petitioners has submitted that both the petitioners are in custody from 4.1.2022 which is almost 7 months and the investigation of the case has been completed and

thereafter challan has been presented before the competent Court. He submitted that it is a case where the allegations against the petitioners are that an information was received that two heads of cows were seen dumped and thereafter the present FIR was registered in which nobody was named. However, after a period of one month on the basis of the supplementary statement the name of the present petitioners was nominated. He further submitted that the business undertaken by the petitioners was collecting of bones and thereafter it was only because of this reason that the petitioners have been falsely implicated by the police. He submitted that both the petitioners have clean antecedents and are not involved in any other case and in view of the aforesaid position, they may be considered for the grant of regular bail. He further submitted that the maximum punishment provided in one of the offence is 5 years.

On the other hand, the learned State counsel has stated that it is correct that both the petitioners are in custody for about 7 months and the police has completed the investigation and report under Section 173 Cr.P.C. has been presented although no witness has been examined till date. He submitted that it is correct that both the petitioners are not involved in any other case and both the petitioners were nominated on the basis of the supplementary statement after a period of one month. He has, however, opposed the grant of regular bail on the ground that the matter was serious and sensitive in nature.

I have heard the learned counsels for the parties.

Both the petitioners are in custody from 4.1.2022 which is almost 7 months. The investigation of the case has been completed. The

petitioners are not involved in any other case and they were nominated on the basis of the supplementary statement after a period of one month. The trial of the case may take long time and it is not the case of the State that in case the petitioners are released on bail then they may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of the circumstances of the present case, the present petitions are allowed. The petitioners are ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petitions only.

August 01, 2022

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**(JASGURPREET SINGH PURI)
JUDGE**

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