

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-14776-2022 (O&M)

Date of Decision: 5.8.2022

Shakil

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.58 dated 25.3.2021 registered for the offences punishable under Sections 279, 336 IPC and Section 13(1) of Haryana Govansh Sanrakshan and Gosamvardhan Act, 2015 and Section 11 of Prevention of Cruelty of Animals Act, 1960 at Police Station Dadar Sadar Dadri, District Charkhi Dadri.

Counsel for the petitioner submits that the name of the petitioner is not figuring in the FIR but he was named as accused on the basis of the alleged disclosure made by co-accused Juned and consequently, he was arrested on 7.3.2022. He further submits that the aforesaid Juned has already been granted regular bail by the trial Court vide order dated 11.5.2022. He further contends that after completion of investigation, the police has presented the challan but the trial is yet to commence. So, prayer

is made for grant of regular bail to the petitioner.

Present petition is contested by the State counsel who submitted that the petitioner is having criminal history being involved in 7 other FIRs of similar nature. State counsel further submits that the trial is yet to begin and as such, no ground is made out to grant the concession of bail to the petitioner. He on instructions from ASI Vijay Pal has not disputed the fact that the petitioner was arraigned as accused only on the basis of disclosure made by co-accused Juned who has already been granted regular bail by the trial Court. He has also not refuted the fact that the petitioner was arrested on 7.3.2022 and that challan has been presented by the police on completion of investigation.

I have considered the submissions made by the counsel for the parties.

As per allegations in the FIR, the police received secret information and thereafter, 6 bulls were recovered from one Canter No.HR74-A-3409 which was registered in the name of Shamim Ahmed.

Admittedly, the petitioner was not named in the FIR and was later on, nominated as accused on the basis of the alleged disclosure of Juned who has already been granted benefit of bail by the trial Court. Recovery has already been effected in this case and on completion of investigation, challan has been presented. Admittedly, it will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

August 5, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No