

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

CRM-M-22630 of 2022 (O&M)

DECIDED ON:16th August, 2022

Unnas

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Saleem Ahmed, Advocate for petitioner.

Mr. Viney Phogat, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Petitioner is seeking regular bail in case of FIR No. 58 dated 5.3.2022, under Sections 13(1), 13(3), 3 of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 307, 120-B IPC, 1860, registered at Police Station Sadar Palwal, District Palwal (Haryana).

As per the case set up on 5.3.2022, police party along with Gau Rakshak Dal on the basis of a secret information set up a naka and signaled vehicle bearing registration No.RJ-02GB-2678 to stop. The driver of the vehicle instead of stopping the vehicle drove it towards Gau Rakshak and the police party. The vehicle was chased, the driver Sahun Khan and Unnas (petitioner) the cleaner of the vehicle, were apprehended. 300 skins of cow were recovered.

Learned counsel for the petitioner submits that the petitioner is in custody since 5.3.2022. The petitioner was the cleaner of the truck. No recovery is to be made. The contention is that no case is made out of Section 307 IPC. Submission is that the petitioner was not driving the vehicle, hence Section 307 IPC could not be invoked against him.

Learned State counsel has filed reply and opposes the prayer. He submits that there was an attempt to flee from the spot and to injure the police party. He on instructions is not disputing the fact that the petitioner was not driving the vehicle.

Without commenting upon the merits of the case, considering the nature of allegations against the petitioner and the fact that no recovery is to be made, though investigation is complete conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

16th August, 2022

reema

**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>