

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107+207

CRM-M-28184-2021(O&M)

Decided on :28.04.2022

Nisar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (Oral)

CRM-10964-2022

Allowed as prayed for.

Annexure P-3 is taken on record subject to all just exceptions.

Main Case

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 337 dated 23.12.2020 under Section 13(1) of The Haryana Gauvansh Sanrakshan & Gausamvardhan Act, 2015 and Section 11-59-60 of The Prevention of Cruelty to Animals Act, 1960 registered at Police Station Dadri Sadar, District Charkhi Dadri.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was not apprehended at the spot nor any recovery has been effected from him. It is further submitted that the petitioner has been in custody since 08.05.2021 and is not involved in any other case and the challan in the present case has already been presented

and there are 5 witness who are yet to be examined and thus, the trial is likely to take time.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that as per the prosecution version, it is the petitioner who had purchased the truck in question (through a special power of attorney) and as per his disclosure statement, he was the one who was driving the said truck. The other facts stated by learned counsel for the petitioner have, however, not been disputed by learned State counsel.

Learned counsel for the petitioner, in rebuttal, has submitted that even as per the case of the prosecution, the petitioner is not the registered owner of the truck in question.

This Court has heard learned counsel for the parties and has perused the paperbook.

The petitioner was not apprehended at the spot and no recovery has been effected from him. The petitioner is not involved in any other case and has been in custody since 08.05.2021 and challan in the present case has already been presented and no recovery has been effected from the petitioner and there are 5 witnesses who are yet to be examined and thus, the trial is likely to take time.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to his not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

April 28th 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No