

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

227

**CRM-M-29102-2022
Date of decision: 08.08.2022**

SALMU

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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

Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 353 dated 19.11.2021 registered under Sections 5, 13(2), 17 HGS and GS Act and 11 of Prevention of Animals to Cruelty Act, 1960 at Police Station Hathin, District Palwal (Haryana).

2. The case of the prosecution is that on 19.11.2021 HC Sanjay Kumar along with other police officials were present at Jayanti Turn on crime patrol duty, where secret information was received that accused Sajid alias Sajji, Salmu along with 2 other accused who indulge in Cow Slaughtering are transporting the cows from village Kondal to village Slaughtering. Guraskar. If Naka is set up they can be apprehended. On believing the information, Naka was set up at

Andhrola Turn, village Mohamdka. After sometime a Santro Car was seen coming from village Kondal. On seeing the police party accused stopped their vehicle on the distance of 150 meter and turned the vehicle and police party followed the vehicle. The vehicle got down on the berm of road and all the accused absconded after leaving the same in the fields. On checking 2 cows were found inside Santro vehicle. The cows were tied with their feet and their mouth were also tied. No number plate was found on the said vehicle. The vehicle and the cows were seized. On the basis of complaint, FIR was registered under Sections 5, 13(2), 17 of H.G.S and G.S.Act and Section 11 of the Prevention of Cruelty to Animals Act. Investigation was set into motion. Site plan was prepared. Cows were lodged into Gau Shala, Bahin. Co-Accused Sajid alias Sajji was arrested in case FIR No. 294 of 2021 under section 13(2), 17 HGS and GS Act and section 11 of The Prevention of Cruelty to Animals Act. He was joined the investigation in the present case on 31.3.2022 and he disclosed the name of petitioner Salmu who was arrested on 18.05.2022

3. Learned counsel appearing on behalf of the petitioner contends that the petitioner has been in custody since 18.05.2022 and no recovery is to be effected from him. He further points out that the co-accused Sajind @ Sajji-co-accused of the petitioner has already been granted concession of bail by the Sub Divisional Judicial Magistrate, Hathin vide order dated 27.04.2022. He also contends that as per the case of the prosecution, 02 Cows have been loaded in a Santro Car. He contends that the same was not practically possible to push two Cows in a Santro Car. He further points out the investigation has been

concluded, the final report has already been filed and charge has not been framed so far. His continued custodial detention is not likely to advance any interest of justice.

4. Learned counsel appearing on behalf of the respondent-State however contends that the petitioner has criminal antecedents and he is also involved in certain other cases registered against him. He, however, could not dispute the fact that the investigation in the present case already stands concluded and that similarly placed co-accused has already been granted the concession of regular bail.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. Without examining the merits of the instant case and taking into consideration, the period of custody undergone by the petitioner, the stage of trial, the contradiction relied upon by the counsel for the petitioner, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 08, 2022
vishal sharma

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*