

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 31079 of 2022 (O&M)

Date of Decision: 25.7.2022

Swami Nath

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Rosi, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C., seeking the indulgence of regular bail, to the petitioner.
2. In FIR bearing No. 0249 of 11.6.2022, registered at Police Station Chandhut, District Palwal, offences constituted under Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, and, under Section 11 of Prevention of Cruelty to Animals Act, 1960 (Section 120-B IPC was added later on), are embodied.
3. The present bail petitioner is alleged to carry in the impounded vehicle, two cows, rather for theirs becoming slaughtered.
4. Be that as it may, since the learned State counsel, on instructions given to him by ASI Pardeep Kumar, submits that not only the vehicle, wherein the cows were being carried, is impounded, but also the cows have been recovered.
5. In consequence, when the judicial custody of the present petitioner has commenced since 11.6.2022, and, also when, at this stage, no evidence is adduced before this Court by the prosecution, suggestive of the

fact, that in the event of the petitioner, becoming admitted to regular bail, there is every likelihood of his fleeing from justice, and, tampering with the prosecution evidence. Thereupon, this Court does not deem it fit, and, appropriate to prolong the judicial incarceration of the petitioner, as, thereupons his personal liberty would become unnecessarily fettered, and, curtailed.

6. Consequently, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody, if not required in any other case. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal and surety bonds in the sum of Rs. 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance.

7. Copy dasti.

(SURESHWAR THAKUR)
JUDGE

July 25, 2022
Gurpreet

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