

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

**CRM-M-32451 of 2022(O&M)
Date of Decision:- 17.11.2022**

Yahya

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Ms. Saleem Ahmed, Advocate
for the petitioner.

Mr. Vishal Kashyap, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No. 294, dated 13.10.2021 under Sections 285, 34 IPC-1860, Section 5, 13(2), 17 HGS & GS Act-2015, Section 11-59-60 of Animal Cruelty Act, 1960 & Section 25 of Arms Act, 1959 registered at Police Station Sadar Palwal, District Palwal.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, that as per the prosecution version National Bajrang Dal provided Information to the police and then the police recovered 25 cows from a truck and no one was arrested at the spot. The counsel for the petitioner further submits that the petitioner in custody since 04.06.2022 and after completion of the investigation police

has presented the Challan but it will take considerable time for the trial to conclude and as such no purpose is going to be served by keeping the petitioner in custody for any longer period.

The present petition is contested by the State Counsel. Learned counsel for the State submits that the petitioner and other occupants of the truck loaded with 25 cows, fled away from the spot on seeing the police officer and the petitioner was later on arrested on 04.06.2022.

The State Counsel further submits that the petitioner is involved in some other criminal cases of the similar nature. However, the State Counsel has not refuted the fact that after completion of the investigation the police has presented the Challan but the trial is yet to commence.

I have considered the suggestions made by the counsel for the parties. Admittedly, the police recovered 25 cattles loaded in a truck from the place of occurrence. The petitioner was later on arrested and his custody period comes out to be more than 5 months.

As per the custody certificate, the petitioner is also involved in some other cases. The counsel for the petitioner clarified that the petitioner is on bail in all the other criminal cases faced by him. Admittedly, the recovery has already been affected in this case and after the completion of the investigation, the Challan has been presented but it will take considerable time for the trial to terminate even after the framing of charges. So, no purpose is going to be served by its normal the judicial custody of the petitioner 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.

17.11.2022
joyti

(KARAMJIT SINGH)
JUDGE

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