

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37924-2022

Date of decision : 17.11.2022

Sahun Khan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Talim Hussain, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.058 dated 05.03.2022 registered under Section 3, 8, 13(1), 13(3) and Section 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Sections 120-B IPC and 307 IPC at Police Station Sadar Palwal, District Palwal.

Learned counsel for the petitioner has submitted that the petitioner along with one Unnas was arrested in pursuance of the secret information and Naka set up by the police along with Gaurakshak Dal while they were in vehicle bearing registration no.RJ02GB 2678 and from the said vehicle 300 cow skins were recovered. It is further submitted that said Unnas has been granted regular bail vide order dated 16.08.2022 passed by a coordinate Bench in CRM-M-22630-2022 and the case of the present petitioner is on a similar footing as that of said Unnas and the

Unnas. It is stated that recovery has already been effected in the present case. It is further stated that the petitioner is not involved in any other case. It is submitted that the petitioner has been in custody since 05.03.2022 and the investigation is complete and the challan has been presented and there are 13 prosecution witnesses, out of which, none have been examined and thus, the trial is likely to take time.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner was driving the truck and he, along with Unnas, was carrying 300 skins of cows which had been recovered from the vehicle.

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

The petitioner has been in custody since 05.03.2022 and the investigation is complete and the challan has been presented and there are 13 prosecution witnesses, out of which, none have been examined and the recovery has already been effected and the co-accused of the petitioner Unnas has been granted the concession of regular bail vide order dated 16.08.2022 passed by a coordinate Bench in CRM-M-22630-2022.

Keeping in view the above said 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 him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of

bail granted to the petitioner.

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 petition.

(VIKAS BAHL)
JUDGE

November 17, 2022
Davinder Kumar

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