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

CRM-M-53538-2021

Decided on: 15th February, 2022

Baddhan

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No.7, dated 4th January, 2021 under Sections 148, 149, 427 and 307 IPC, Section 25 of the Arms Act, 1959 and Section 13(1) of the Haryana Gauthansh Sanrakshan and Gauthamvardhan Act, 2015 [hereinafter referred to as 'Act'], registered at Police Station Dabua, District Faridabad.

[3] As per the case set up, Ashok (Baba) (complainant) alongwith Vikas, Pawan, Pankaj and Hemant while serving the cows saw Khubi, Arshad, Khalid and Baddhan (petitioner) loading cows in a pick-up vehicle. The complainant and his fellows followed the accused. In their pursuit, they were fired upon by the accused. The accused were arrested in FIR No. 355, dated 15th November, 2020 under Sections 148, 149, 307, 429 IPC, Sections 5, 13(2) and 17 of the Act, Sections 11, 59 and 50 of the Animal Cruelty Act and Section 25 of the Arms Act,

1959 registered at Police Station Hathin, Palwal. On the basis of disclosure statement, the accused were nominated in the present FIR. A pistol was recovered from the petitioner in another FIR.

[4] Learned counsel for the petitioner submits that petitioner is in custody since 5th April, 2021, no recovery was made in the present case and it is a case of false implication due to his involvement in another case. He claims parity with the co-accused who was granted bail by the Sessions Court on 12th May, 2021. It is further contended that no Test Identification Parade was conducted, no empty shells were recovered from the spot and there is no bullet injury.

[5] Learned State counsel opposes the prayer for grant of bail. She is not in a position to distinguish the case of the petitioner vis-a-vis co-accused so far as grant of bail is concerned.

[6] Considering the custody period and the facts that no recovery was made and co-accused was granted bail, the petitioner is granted regular bail subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

[7] The petition is allowed.

[8] However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

15th February, 2022

pankaj baweja

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No