

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

209

CRM-M-58324-2022

Date of Decision: 19.12.2022

Sadda

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Rajiv Kumar Saini, Advocate  
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

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**JAGMOHAN BANSAL, J. (Oral)**

Through instant petition under Section 439 of Code of Criminal Code, 1973, the petitioner is seeking bail in FIR No.0139 dated 23.06.2014 registered at Police Station Kunjpura, District Karnal, under Sections 307, 429 IPC, Section 25 of Arms Act, Section 4B/8 of Cow Slaughter Act, 1995 and Section 11 D of Prevention of Cruelty to Animal Act, 1960.

Learned counsel for the petitioner *inter alia* contends that the petitioner is the owner of the vehicle which was used to carry alleged cows. The FIR was registered on 23.06.2014 whereas the petitioner has been arrested on 21.06.2022. The petitioner has been named only on the ground that he is the owner of the vehicle. The petitioner was not identified by any member of the police party. The petitioner is in custody since 21.06.2022. The petitioner has not fired on any police officer and was not present at the time of commission of alleged offence. No injury was sustained by members of the police party.

Custody certificate dated 18.12.2022 is taken on record.

Registry is directed to tag the same at appropriate place.

Learned State counsel submits that the petitioner is involved in two more cases and he does not deserve any leniency. There are 12 witnesses.

Keeping in mind :

- i) the petitioner is not named in the FIR;
- ii) there is no prima facie evidence indicating the presence of the petitioner at the time of alleged incident;
- iii) there is no injury caused to the members of the police party;
- iv) the petitioner has been arrested on 21.06.2022 whereas alleged offence was committed on 23.06.2014;
- v) The petitioner is in custody since 21.06.2022 still charges have not been framed and *challan* stands presented;
- vi) The petitioner has been implicated just because he is owner of the vehicle involved in the alleged incident;

this court is of the considered opinion that the present application deserves to be allowed and accordingly allowed. The applicant is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

If the applicant or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

19.12.2022  
*anju*

( JAGMOHAN BANSAL )  
JUDGE

|                           |               |
|---------------------------|---------------|
| Whether speaking/reasoned | Yes/No        |
| <i>Whether Reportable</i> | <i>Yes/No</i> |