

S. No.217

2023:PHHC:122760

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

CRM-M-18373 of 2023 (O&M)

Date of Decision:19.09.2023

Islam

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Mohammad Arshad, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (Oral)

CRM No.16399 of 2023

Application is allowed as prayed for.

CRM-M-18373 of 2023

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.211 dated 23.11.2016 registered under Sections 3, 8, 13(1), (3) of Haryana Gauthansh Sanrakshan and Gauthansvardhan Act, 2015 at Police Station Bahin, Palwal.

As per prosecution allegations, secret information was received against the petitioner and others to the effect that they had brought two cows and two calves for the purpose of slaughtering, which had been tied in the house of co-accused Vakil and Janu. Raid was conducted. Two cows and two calves were recovered from the house of co-accused Vakil and Janu, which were seized. FIR was registered. Petitioner was arrested on 09.06.2022.

Learned counsel for the petitioner contends that a false case has been foisted upon the petitioner as no recovery was effected from him; that recovery

was effected from the house of co-accused, that petitioner is in custody for the last more than one year and three months and so, he be allowed bail.

Learned State Counsel has opposed the bail petition by submitting that petitioner has been arrested after a gap of more than 05 years as he was evading the arrest. He further submits that petitioner is involved in five more cases as per the details given in para No.16 of the status report.

Heard.

Recovery was effected from the house of co-accused Vakil and Janu and not from the petitioner. No doubt that petitioner was arrested after a gap of more than five years but stringent conditions in this regard can be imposed by the trial Court concerned. Considering the attribution to the petitioner in the present case, the mere fact that he is involved in other cases also, cannot be a ground to decline the bail to him.

Having regard to the afore-said facts and circumstances of the case, particularly role of the petitioner in the present case, but without commenting anything further on the merits of the case and also having regard to his custody period with effect from 09.06.2022 onwards, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

Trial Court/Duty Magistrate will be at liberty to impose appropriate strict conditions upon the petitioner to secure his presence during trial.

September 19, 2023

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Whether Speaking/reasoned

Whether Reportable

(DEEPAK GUPTA)

JUDGE

Yes/No

Yes/No