

CRM-M-16893-2023

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(218)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16893-2023
Date of Decision: 18.04.2023

ALAUDDIN @ HAMMAN

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.0244 dated 03.11.2018 registered under Sections 3, 8, 13(1), (3) of the Haryana Gauvansh Sanrakhshan and Gau Samvardhan Act, 2015 and Section 201 IPC, 1860 at Police Station Bahin, Palwal, Haryana.

2. The brief facts of the case are that secret information was received by the Police party that Shiraj alias Shirajuddin alias Bhalu (since granted bail vide order dated 13.02.2023 passed in CRM-M-45322-2022) son of Saddik, Raheesh son of Habib, Nawab son of Ishaq, Kamal son of Hajar and 3-4 other persons had brought cows for slaughtering in an unnumbered Pickup vehicle of Alauddin (petitioner). The said cows had been tied up in a room at the house of Kamal. If a raid was conducted, the accused could be apprehended while slaughtering the animals. Based on the information, a raid

was conducted. The accused however ran away from the spot. On a search, two cows whose mouth and feet were tied with ropes were found from the room in the house of Kamal. Another cow was found tied with ropes in the fields near the house. Beef was also recovered.

Based on the said information, the present FIR came to be registered.

3. The learned counsel for the petitioner contends that the petitioner was in custody since 27.05.2022. None of the 13 prosecution witnesses had been examined so far. The co-accused of the petitioner namely Kamal has been granted the concession of anticipatory bail vide order dated 19.12.2018 passed in CRM-M-57257-2018 (Annexure P-3), whereas Shiraj @ Shirajuddin @ Bhalu has been granted the concession of regular bail. The copy of the said order is as marked X. Since the investigation stands completed, the further incarceration of the petitioner was not required, moreso, when in 04 out of the 06 other cases registered against him, he has been granted the concession of bail.

4. On the other hand, the learned State counsel while admitting the aforementioned factual position, submits that the nature of the allegations did not entitle the petitioner to the grant of regular bail, moreso, when he had been absconding since the date of the FIR No.0244 dated 03.11.2018. However, he concedes that the co-accused of the petitioner, namely, Kamal has been granted the concession of anticipatory bail whereas another co-accused namely, Shiraj alias Shirajuddin alias Bhalu has been granted the concession of regular bail.

5. I have heard the learned counsel for the parties.

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6. Admittedly, the petitioner has been in custody since 27.05.2022. None of the 13 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be heard in the near future. As such, the further incarceration of the petitioner is not required, moreso, when in 04 out of the 06 cases pending against him, he has been granted the concession of bail.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Alauddin @ Hamman son of Sh. Sumera is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

18.04.2023

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No