

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

206

CRM-M-23139-2023

Decided on : December 20, 2023

JAIDOOOL SEIKH

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Arjun Dhingra, Advocate
for the petitioner.

Mr. Raj Karan Singh Brar, Addl. A.G., Haryana.

NAMIT KUMAR, J. (Oral)

1. By way of filing the instant petition under Section 439 of Cr.P.C. , the petitioner has approached this Court seeking grant of regular bail in case F.I.R. No.161 dated 02.05.2018, under Sections 3/13(1), 8/13(3), 17 of HGS and GS, Act, 2015, registered at Police Station Sector-53, District Gurugram.
2. The brief facts leading to filing of this petition are that the FIR in question was lodged on the application of Jitender - complainant alleging that he received an information that in the *Jhuggi* of Saraswati Kunj beef meat is being sold in plastic bucket. Thereafter, he alongwith his team went to said *Jhuggi*, where he caught one person namely Jaidool Seikh, who was found selling beef meat and he was handed over with auto to the police with the request for taking strict legal action. On the statement of the complainant, FIR in question was registered.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He submits that petitioner, after his surrender in the trial court, is in custody since 01 year and 02 months and total custody of the petitioner is 01 year, 04 months and 08 days. He further submits that the petitioner was initially enlarged on bail but on account of his failure to appear before the trial court on 13.08.2019, his bail bonds were cancelled on the said date and consequently warrant of arrest was issued against him and in furtherance thereto, he surrendered before the trial court on 28.09.2022 but his bail application was declined on 04.10.2022 by the trial court. He further submits

that petitioner is not involved in any other case, investigation in the present case is complete; *Challan* has been presented; charges have been framed and out of total 15 prosecution witnesses 07 have been examined and the case is now fixed before the trial Court examining remaining prosecution witnesses. He further submits that trial may take a considerable time to conclude and therefore, no fruitful purpose would be served by detaining the petitioner further behind bars.

4. *Per contra*, learned State counsel, while placing on record, custody certificate, opposes the prayer for grant of regular bail to the petitioner. However, he could not dispute that the petitioner was initially enlarged on bail and his bail bonds were cancelled by the trial court on account of his failure to appear on the date of hearing i.e. 13.08.2019; the petitioner has surrendered before the trial court on 28.09.2022; the investigation in the present case is complete; *Challan* has been presented; charges have been framed and out of total 15 prosecution witnesses 07 have been examined and after surrender of the petitioner before the trial court, he is in custody since 01 year and 02 months and his total custody period is 01 year, 04 months and 08 days.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the total custody period of the petitioner, which is more than 01 year and 04 months; the petitioner was already on bail prior to his failure to appear before the trial court on 13.08.2019 and he himself has surrendered before the trial court on 28.08.2019 after issuance of warrant of arrest against him on 06.02.2022 by the trial court; investigation is complete; *Challan* has been presented; charges have been framed and out of 15 witnesses, 07 prosecution witnesses have been examined and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed off accordingly.

December 20, 2023

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(NAMIT KUMAR)
JUDGE

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