

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

Sr. No.214**CRM-M-28094-2023****Date of Decision : July 03, 2023****Nasim****...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Abhinav Sood, Advocate, for the petitioner.
Mr. Rahul Mohan, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.0372 dated 27.11.2022 lodged under Section 11 of The Prevention of Cruelty to Animals Act, 1960, Section 13(2) of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 25 of Arms Act, 1959 and Sections 120-B, 307 and 429 of IPC, 1860 (Sections 5 & 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 added later on) registered at Police Station Sadar Palwal, District Palwal.

2. Learned counsel while drawing attention of this Court to the FIR in question submits that the petitioner was merely travelling as a conductor in the canter from which recovery of 19 cattle was effected. He submits that no other role muchless of having fired at the police party has been attributed to the petitioner in the FIR in question. He further submits that the petitioner has now been in custody since 28.11.2022 and still further as investigation is complete and charges have also been framed further incarceration of the petitioner would serve no useful purpose as prosecution evidence is yet to commence. Hence, in the aforementioned

circumstances, the trial shall take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner has submitted that no doubt the petitioner has not been attributed any injury muchless with the fire-arm on the person of one of the police officials, however, he was named in the secret information and was apprehended at the spot along with the co-accused Wasim. It has also been submitted by the learned State counsel that the petitioner is involved in two other similar cases under the Cow Slaughter Act, 1955. Learned State counsel however has not been able to dispute that investigation in the instant case is complete and none of the 21 prosecution witnesses have been examined till date.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed as the trial will take considerable time to conclude. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

6. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

July 03, 2023
Ankur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No