

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-30238-2023
Date of decision:15.06.2023

KULDEEP AND OTHERS

...Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Jasneet Mehra, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

This is the first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.393 dated 28.04.2023 registered under Section 11 of Prevention of Cruelty to Animal Act, 1960 and Section 3, 13 (1), 13(2) of the Haryana Gauvansh Sangrakshan and Gau Samvardhan Act, 2015 at Police Station Sadar Hisar, District Hisar.

2. Learned counsel appearing on behalf of the petitioners contends that the FIR in the present case has been registered on the statement of Suresh Gujjar, President, Bajrang Sena, Hisar alleging that 14 cows were being transported in vehicle bearing registration No. PB-06-AZ-1667 by the owners-cum-Drivers of the vehicle in question.

Counsel for the petitioners contends that the cows were

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not being taken for cow slaughter, however, the same were being carried for their use in Dairy. The petitioners have been falsely implicated as a result of some mischievous complaints submitted by the President of Bajrang Sena, Hisar. He submits that the petitioners do not suffer from any criminal antecedents and they are not involved in any other criminal case. Counsel for the petitioners submits that the recovery in question has already been effected and the petitioners have been in judicial custody since 28.04.2023.

3. Learned State counsel submits that as per the report filed earlier, the petitioners are stated to have been involved in smuggling of cows for slaughtering, however, there is no criminal case that has been registered so far. Further, he could not dispute the fact that the recovery of cattle has already been effected and the petitioners are in judicial custody. Investigation in the case is not complete so far and that the petitioners are not required for any further investigation in the present case, their continued incarceration is not likely to advance any interest of justice.

4. I have heard learned counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith petition with their able assistance.

5. Taking into consideration the circumstance noticed above, the criminal antecedents of the petitioners, the recovery having already been effected, the stage of investigation and also the possibility, if any, of their tampering with the evidence, I deem it appropriate to enlarge the petitioners on bail upon furnishing bail bonds/surety bonds to the

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satisfaction of the Trial Court/Duty Magistrate.

6. The instant petition is allowed and the petitioners are ordered to be released on bail on his furnishing the requisite bail bond/surety to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. It is made clear that the petitioners shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

8. The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of the material available.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JUNE 15, 2023

Vishal sharma

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