

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-36761-2023

Date of decision: 03.08.2023

Tohid

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Saurav Bhatia, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.70 dated 01.12.2018 under Sections 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Sections 25, 54 and 59 of the Arms Act, 1959 and Sections 279 and 307 of the IPC registered at Police Station Dhauj, District Faridabad.

2. Learned counsel for the petitioner inter alia contends that the petitioner, who has been in custody since 03.05.2023, was not named in the FIR in question and had been nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Saikul who too had been nominated as an accused on the basis of a disclosure statement of another co-accused Naseem. Learned counsel submits that evidentiary value of such disclosure statement is of a weak nature and his false implication in the case in hand finds further credence from the fact that he is not involved in any other criminal case

much less a case of similar nature.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions from ASI Manoj, has not been able to controvert that the petitioner was not named in the FIR. However, he submits that the petitioner had accompanied co-accused to lift two cows, from the vehicle of the complainant party. Learned State counsel has not disputed that the petitioner is not involved in any other case.

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

5. Investigation in the case in hand is complete as final report under Section 173(2) of the Cr.P.C. stands presented on 23.07.2023. As per instructions received by the learned State counsel as many as 35 prosecution witnesses have been cited, hence, there is no likelihood of the trial concluding in the near future. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. 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.

03.08.2023

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(MANJARI NEHRU KAUL)
JUDGE

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