

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.213

Case No. : CRM-M-45686-2022

Date of Decision : February 23, 2023

Sakir @ Jakhi @ Bilai Petitioner

vs.

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Rajender Kumar, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.119 dated 16.11.2016, under Section 13(2) of Haryana Gauthansh Sanrakshan and Gauthamvardhan Act, 2015, Sections 279, 307, 427 IPC, Section 25 of the Arms Act and Section 11 of the P.O.C.T. Animal Act, 1960, registered at Police Station Dhand, District Kaithal.

Learned counsel for the petitioner has submitted that the petitioner is in custody in this case since 18.03.2021. The co-accused Gulsher @ Kala and Sabir have already been acquitted in this case vide judgment dated 20.09.2017, passed by learned Additional Sessions Judge,

Kaithal. The petitioner was not named in the FIR. It is the case of no injury. The completion of trial will take a long time. Therefore, the petitioner be granted concession of regular bail.

Learned State Counsel, on the other hand, while opposing the prayer made by learned counsel for the petitioner, states that many other cases are registered against the petitioner but he has fairly conceded that co-accused Gulsher @ Kala and Sabir have been acquitted in this case. The petitioner was declared a proclaimed person. So, he was arrested later on. However, he does not deny the fact that the petitioner is in custody for the last 23 months.

Heard.

The instant case was registered on the statement of one Jasmer Saini – a member of Cow Vigilante Group, stating therein that on 16.11.2016, when he was along with his friends, on the way, they intercepted one pick-up of white colour, in which cows were loaded. The driver, instead of stopping the vehicle, fired a gun shot on their vehicle and tried to run over their vehicle. They managed to apprehend one person namely Sabir and tried to catch other persons. In the meantime, Sabir also fled away from the spot.

In view of the above facts and circumstances of the case, this Court is of the view that pendency of other cases cannot be considered as a ground for refusal of the bail.

Accordingly, keeping in view the facts that the petitioner is in custody since 18.03.2021; the trial is going on at a slow pace; the completion of trial will also take a long time and two co-accused have

already been acquitted by the Court below, no useful purpose would be served by keeping the petitioner behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, Kaithal.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

February 23, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.