

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

(125)

CRM-M-44680-2023

Date of decision:- 06.09.2023

Mohd. Akhtar Hussain**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Sanyam Khetarpal, Advocate for the petitioner.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner has approached this Court for quashing impugned order dated 03.11.2022, Annexure P-6, passed by the learned Judicial Magistrate, Faridabad in FIR No.0187 dated 11.04.2016, lodged for offence under Section 8 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (for short "the Act"), however, later on Sections 13, 17 and 20 of the Act were added, at Police Station Sarai Khawaja, District Faridabad, Haryana, Annexure P-1.

2. Counsel for the petitioner submits that FIR, Annexure P-1, was registered on the basis of a secret information, a truck was apprehended and beef, in large quantity, was recovered. He submits that the driver of the truck, Mulla. Saleem and others, who were occupants of the truck, fled from the spot. Counsel submits that after the driver was apprehended, he named the petitioner as an accused. Counsel submits that the petitioner has been released on anticipatory bail by order dated 12.08.2021, Annexure P-2, by this Court and has been appearing before the Trial Court. He submits that although an application for exemption was moved on the ground that the petitioner is suffering from viral fever, but the application was rejected and the Trial Court by impugned order, cancelled his bail,

forfeited the surety bonds and issued Non-bailable Warrants to secure his presence. Counsel submits that as the petitioner had been away for religious ceremonies, he could not appear before the Trial Court and undertakes to join the proceedings within any reasonable time granted by this Court, subject to any other condition imposed upon him.

3. Notice of motion.

4. On asking of the Court, Mr. Munish Sharma, DAG, Haryana accepts notice on behalf of the State-respondent. He has opposed the prayer made in the petition. As per instructions received by him, petitioner is not named as an accused in any other criminal case.

5. Having heard counsel for the parties, this Court is of the view that the petitioner deserves to be granted an opportunity to join the proceedings.

6. In case, petitioner surrenders before the Trial Court on or before 18.09.2023, the next date fixed before the Court below, joins the proceedings and moves an appropriate application, he shall be released on bail. The Court shall release the petitioner on his furnishing heavy bail/surety bonds. This will also be subject to deposit of cost of Rs.10,000/- with the Poor Patient Welfare Fund, PGIMER, Sector-12, Chandigarh, which shall be a condition precedent to his release on bail. The receipt of deposit shall be furnished by the petitioner before the Trial Court.

7. Petition is disposed of.

06.09.2023

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No