

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-58239-2023

Date of Decision:-23.11.2023

Imran & Anr.

.....Petitioners.

Vs.

The State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vivek Kathuria, Advocate for the Petitioners.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.264 dated 30.08.2023 under Sections 3, 13(1), 13(3) of Haryana Gauthansh Sansrakshan Gausamadhan Act, 2015 registered at Police Station Murthal, Sonapat (Haryana).

2. The present FIR came to be registered at the instance of Anand Kumar who stated that on 30.08.2023 he along with his friend Yogesh and Sahil were talking to each other near the Toll Plaza situated on the Panipat Delhi Road. At about 6.30 am a Bolero vehicle no.UP 37A-AT-6331 came there from which blood was falling and a foul smell was coming. The said vehicle was stopped and cow meat was seen in a plastic polythene bag over which chicken had been spread. On tearing of the plastic polythene the remains of a cow was seen. On enquiry the occupants of the vehicle disclosed their names as Imran and Asraf (petitioners). The two accused

apprehended at the spot disclosed that one unknown Ertiga vehicle was also with them which had fled away.

3. The learned counsel for the petitioners contend that the petitioners have been falsely implicated in the present case. The recovery of cow meat has been planted upon them. As they were first time offenders, in custody since 30.08.2023 and none of the 12 prosecution witnesses had been examined so far, they were entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioners were apprehended with cow meat. Therefore, the nature of the allegations levelled against them did not entitle them to the grant of bail. He however concedes that the petitioners were first time offenders, in custody since 30.08.2023 and none of the 12 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioners shall be established during the course of the Trial. Admittedly, the petitioners are first time offenders, in custody since 30.08.2023 and none of the 12 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, their further incarceration is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioners-**Imran** son of Sh. Alimuddin and **Asraf** son of Nijakat are ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioners shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that they are not involved in any other case other than

the present case.

9. In addition, the petitioners (or someone on their behalf) shall prepare an FDR in the sum of Rs.50,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from Trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 23, 2023

Vinay

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