

(221)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8961-2024
Date of Decision: 14.03.2024

SANDEEP ALIAS RINKU

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Harinder Pal Singh Ishar, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.573 dated 26.11.2023 registered under Sections 13(1), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of the Prevention of Cruelty to Animals Act, 1960 at Police Station Agroha, District Hisar.

2. The present FIR came to be registered at the instance of Sanjay Kangara and the same reads as under:-

To, Police Station Incharge, Agroha, Hisar Subject: For taking legal action against the accused in respect of Truck No. UP 12T 4498 loaded with 16 bovine (Govansh-breed connected with cows). Sir, it is requested that I, Goputr Sanjay Kangra, was going to Thaska from Agroha along with my friend Pramod Swami. When we reached near Chikanwas village, a truck which was going from Fatehabad to Hisar we suspected that there was cows, then I dial on 112 and informed. When he was stopped and checked by the

police after some distance, it was found to be full of 16 bovines and their faces were found tied with ropes. The truck driver revealed his name as Sandeep son of Mahender Singh, resident of Kaul, district Kaithal. He told that truck number UP1214498 had loaded with 9 Nandi and 7 cows by Usman Mulla, who is a resident of Uttar Pradesh and whose Mob. No. 84105-62786. Sir, you are requested to register a case against the arrested accused, the truck and other accused be prosecuted under the Animal Protection and Haryana Cow Protection and Cow Protection Act 2015. SD/- SANJAY PERMOD.”

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. No offence as alleged is made out. As the petitioner was a first-time offender, in custody since 26.11.2023 but none of the 8 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the petitioner found driving the vehicle from which 9 bulls and 7 cows came to be recovered. Therefore, as the offence was *prima facie* established, he was not entitled to the concession of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 26.11.2023 and that none of the 8 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 petitioner shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 26.11.2023 and none of the 08 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, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sandeep alias Rinku son of Mahender Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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 petitioner from trial without sufficient cause.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

14.03.2024
JITESH

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