

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-13123 of 2024
Date of Decision: 22.03.2024

Rashid

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.58, dated 30.01.2024, under Sections 13(1) read with Section 13(3) of the Haryana Gauvansh Sanrakshan and Gau Samvardhan Act, 2015, registered at Police Station City Jagadhri, District Yamuna Nagar.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from the perusal of the FIR, it is evident that the entire story is fabricated one and the petitioner has no connection or role in the slaughtering of cow or sale/supply of beef. It is further submitted that no FSL report has been produced by the investigating agency that the meat found in the car was beef only.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner has suffered incarceration for a period of 01 month and 20 days. He prays for dismissal of the present petition on the ground that 70 kg. of meat was recovered from a car bearing Regd. No.HR-13-F-8554 which was being driven by the petitioner which is sufficient to infer that the petitioner has indulged in

the cow slaughtering and supply of the beef. He further submits that the

petitioner does not deserve the concession of regular bail at this stage as he is also involved in another case under the IPC meaning thereby he is an habitual offender.

Be that as it may, considering the facts that investigation in the present case is completed; challan stand presented on 19.03.2024, nothing is to be recovered from the possession of the petitioner and out of total 19 prosecution witnesses, none has been examined so far meaning thereby the conclusion of trial shall take considerable time, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases.

In view of the above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the aforesaid terms, the present petition is, hereby, allowed.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

22.03.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

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