

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

Neutral Citation No. **2024:PHHC:045564**
CRM-M-15399-2024
Date of Decision: April 04, 2024

Mubarik

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Pradeep Chhoker, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.413 dated 14.11.2023, under Section 13(2) HGSG (Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 besides Section 285 IPC and 25(1-B)(a) & 27 of the Arms Act, 1959 (Section 307 IPC added later on), registered at Police Station Sector 13-17, Panipat, Haryana.

2. As per allegations, on 14.11.2023 petitioner alongwith others tried to pick up a cow for slaughtering and when the complainant tried to stop them, petitioner and others fired gun shot.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that no recovery of any cow has been effected from him; that petitioner is not involved in any other cases. Learned counsel also contends that co-accused Mannawar, who was apprehended at the spot, has already been allowed bail by this Court vide order dated 01.04.2024 passed in CRM-M-7224-2024.

4. Notice of motion.

5. Mr. Pawan Kumar Jhanda, DAG, Haryana accepts notice on behalf of respondent-State.

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4. Learned State counsel has opposed the bail petition by submitting that recovery of motorcycle used in the crime has been effected from co-accused Mannawar. On instructions from ASI Rajender Singh, it is also stated that the incident was captured in CCTV. However, it is conceded by learned State counsel that no one was injured in the alleged firing and that petitioner has been nominated on the basis of secret information only. It is also conceded by learned State counsel that no criminal case is pending against the petitioner. Learned State counsel also informs that from the possession of the petitioner, a country made pistol was recovered.

5. As per the custody certificate, petitioner is in custody for the last 04 months and 09 days. No other case is pending against him. It is also informed by learned State counsel that investigation is complete and challan has already been filed. Out of the 20 witnessed cited by the prosecution, none has been examined so far. Thus, the trial is likely to take long time to conclude.

6. Considering all the aforesaid facts and circumstances, particularly on the basis of parity, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

April 04, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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