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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-18004-2024
Date of decision:-13.05.2024

HARPREET SINGH BAINS

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Dhruv Gupta, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed reply dated 13.05.2024 by way of affidavit of Assistant Commissioner of Police, Manesar, Gurugram. The same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
239	17.09.2023	13(2) of The Haryana Gouvansh Sanrakshan & Gausamvardhan Act, 2015 (120-B IPC added lateron)	Manesar, District Gurugram

3. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He contends that police had arrested one Gulzar driver of the Canter carrying 12 Oxen. He submits that vide Annexure P-5 dated 12.12.2023, said Gulzar has since been granted concession of bail by the trial Court. The petitioner was arrested on 20.03.2024, challan has since been presented in Court, hence he prays for grant of concession of bail to the petitioner as the petitioner is no more required for further investigation.

4. *Per contra*, learned State counsel referring to the reply submits that the petitioner happens to be the owner of the canter where from 12 Oxen were recovered and driver Gulzar was arrested. He contends that there is specific allegations that the petitioner was infact escorting the said canter in his swift car as such he is not entitled for bail.

5. After considering the rival contentions and perusing the record, it transpires that on interception of a canter on 17.09.2023, police apprehended its driver Gulzar along with 12 Oxen carried in the canter. Specifically, the petitioner was nominated and was arrested on 20.03.2024. Admittedly, the challan has since been presented in Court and out of 12 witnesses cited by the prosecution none of them have been examined till date. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any of the petitioner and no purpose would be served by keeping petitioner behind bars any longer.

6. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in



any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

13.05.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No