



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-21431-2024 (O&M)
Date of Decision:- 21.08.2024

Nawabuddin @ Nawabu ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anas Ahmed, Advocate, for the petitioner.
Mr. Neeraj Sheoran, DAG, Haryana.

FIR NO.	DATE	POLICE STATION	OFFENCES
480	08.12.2011	Meham, District Rohtak	307, 353, 332, 186, 34 IPC, Sections 3, 4 and 8 of the Punjab Prohibition of Cow Slaughter Act, 1955, Sections 11-59-60 of Prevention of Cruelty to Animals Act, 1960 and Sections 25, 54, 59 of Arms Act

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged on the basis of secret information received by the police on 08.12.2011 to the effect that Arsad son of Mudin along with



4/5 persons was proceeding from Hisar towards Gurugram in a Tata-407 vehicle which was loaded with cows which were to be slaughtered. Pursuant to receipt of said information barricading was laid. The aforesaid Tata-407 vehicle was noticed by the police and was signalled to stop, but the driver of the said vehicle instead of stopping the said vehicle tried to hit the police officials with the said vehicle, but the police officials had a narrow escape. The persons sitting in the vehicle also fired at the police and threw stones. The police officials in their defence also fired at the accused. It is alleged that the accused thereafter left the vehicle at the spot and ran towards sugarcane fields. Upon checking of the vehicle, 6 cows were recovered from the same. It is further alleged that two cartridges of 12 bore were also recovered from the vehicle apart from mobile phone and stones.

3. Learned counsel for the petitioner submitted that he is nowhere named in the FIR and came to be nominated on the basis of disclosure statement made by co-accused, the admissibility and veracity of which would be debatable. It has been submitted that the petitioner as on date has been behind bars since the last more than 8 months and that as on date even the charges has not been framed.
4. Opposing the petition, learned State counsel has submitted that the petitioner is a habitual offender having been involved in 7 cases and as such does not deserve the concession of bail. It has however, been



informed that the petitioner has been behind bars for the last 8 months and 3 days.

5. This Court has considered the rival submissions addressed before this Court.
6. In the instant case it is not in dispute that the petitioner is nowhere named in the FIR and came to be nominated on the basis of a disclosure statement made by co-accused. The reliability of such like disclosure statement in the absence of any other corroborative evidence would certainly be debatable. The petitioner has been behind bars for a substantial period of 8 months. While the FIR was lodged in the year 2011, but till date the trial has not commenced, under these circumstances it goes without saying that conclusion of trial is likely to consume time. As such, further detention of petitioner for an indefinite period would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.08.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No