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(232)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22037-2024

Date of Decision: 08.05.2024

NASIRA

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.K. Choudhary, 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.25 dated 04.02.2024 registered under Sections 5, 13(1), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Sections 467, 468, 471, 476 IPC and Section 27 of Arms Act at Police Station Sadar Palwal.

2. The present FIR came to be registered at the instance of Sonu son of Rup Singh and the same reads as under:-

“To, the SHO Sahib Police Station Sadar Palwal Sir, I request that I am Sonu S/O Rup Singh, resident of Ramnagar Dukadia Mohalla Palwal, a permanent resident and on 3/4-2-2024, during the night, information came to me that Bamanikheda village, Some people are taking away cows, I informed this to my friends Rohit, Punit, Pravin, Prashant, Naman and we all reached village Bamanikheda, we all are members of Narayani Saina cow protection team, when we



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went there and saw that there was a car of Baleno or blue color, a cow was loaded into the car and a bull was standing tied there and a man was there near the car. Two or three men were seen on the side there and we caught hold of the man standing on the spot and found out his name Sharukh son of Jamshed, resident of Mohru Ka Nagla, police station Hasanpur, district, Palwal and the people standing at the spot took advantage of the darkness and ran away and when we also ran after them, we heard the sound of firing, but we could catch not them. They ran away taking advantage of the darkness and we also informed the police about this and Sharukh, who was caught on the spot, told that the person who ran away was with me, whose name is Khillu, who is married to Gurakshar Hathin and Salmu resident of Gurakshar and Hamman alias Jalauddin S/O Sumer, resident of village Mohru Ka Nagla is also a resident of my village and we were going to load these cows and bulls in this vehicle and take them to Nasira S/O Juhru near Jarali Utavad for slaughter and this vehicle was brought by Hamman and this vehicle belongs to Nasira. Nasira is a resident of Guraksar, these people take cows and do the work of cow slaughter and you should take appropriate legal action against them. These people habitually do the work of cow slaughter and Earlier also there is a complaint of cow slaughter against them. Sonu.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Even as per the prosecution case, he was not present at the spot. The vehicle recovered did not belong to him. He had been arrested on suspicion alone. As he was a first-time offender, in custody since 09.03.2024 but none of the 23 prosecution witnesses had been examined so far, the Trial of the present case

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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 and his co-accused were involved in the commission of the offence. Therefore, he was not entitled to the concession as prayed for. He, however, concedes that the petitioner was a first-time offender, in custody since 09.03.2024 and that none of the 23 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 and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 09.03.2024 and none of the 23 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-Nasira son of Juhru 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 petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

08.05.2024

JITESH

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