

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34342-2023
DECIDED ON: 15.01.2024

SHOKEEN ALIAS SUNDA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sarfraj Hussain, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.107 dated 09.04.2022, registered under Section 5/13(1), 13(2) and 17 of HGS and GS Act, 2015 and Sections 307, 34 of IPC, 1860 and Section 25(1) (b) of Arms Act, at Police Station Bhondsi, District Gurugram.
2. Learned counsel for the petitioner submits that the petitioner has been falsely inflicted in the present case and is behind the bars since 01.06.2022; that it is a case of no injury. He has further placed reliance upon an order dated 29.05.2023 (Annexure P-2) passed in CRM-M-3356-2023 by a co-ordinate Bench of this Court, whereby co-accused persons have already been granted the concession of regular bail and claims parity.
3. Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the

petitioner. He, however, submits that the petitioner is involved in cow slaughtering and that the petitioner had thrown one cow from the moving vehicle and in this manner cruelty has been committed upon the cows. He further submits that the petitioner is involved in various other cases.

4. I have heard the learned counsel for the parties.

5. It is a case of no injury. The petitioner has been in custody since 01.06.2022. As far as the contention of learned State counsel with regard to pendency of 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, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

6. In the light of 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.

7. The present petition is, hereby, allowed.

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

(SANDEEP MOUDGIL)
JUDGE

15.01.2024

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>