



225 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-33622-2024
Date of decision: 22nd July, 2024

Nafis @ Napees
...Petitioner(s)
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sanyam Khetarpal, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
361	24.08.2023	Sadar Tauru, District Nuh, Haryana	379/506/34 of IPC, 1860 and Sections 25/54 of Arms Act, 1959 and Section 3/13(1) of HGS/GS Act, 2015

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by complainant Adik alleging therein that about three days back, the petitioner had come to him and offered to buy his cow. The complainant had refused to sell the same and at that time, the petitioner had extended threat to steal the cow, if it was not sold to him. Then on the night of 24.08.2023, the complainant woke up at about 02:00 AM and found his cow to be missing. While following the hoof prints of the cow, he along with his nephew Rahul and other family members, reached the border of village Gurnawat wherein he found the petitioner along with his two



accomplices who were in the process of slaughtering the cow of the complainant. When the complainant tried to apprehend them, the petitioner pointed a country made pistol towards them and the others also threatened them with a knife and an axe and then fled from the place of occurrence. The matter was reported to the police who recovered the meat of the slaughtered cow, an axe and a blood stained rope from the spot. The meat of the cow was weighed and it was found to be 85 kg. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 23.01.2024. Investigation has since been completed and challan has been presented. The petitioner moved two applications for his release on bail which were dismissed by the learned Additional Sessions Judge, Nuh.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody for over a period of five months. His custodial interrogation is no more required. The trial is likely to take time. Subject offences are triable by Magistrate. No useful purpose would be served by keeping him in custody. Therefore, it is argued that he deserves to be extended benefit of bail.

4. *Per contra*, learned State counsel who has advance notice of the petition has submitted that he is ready to argue the matter and has contended that allegations against the petitioner are serious in nature. As many as three more criminal cases are pending against him. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. The co-

accused are yet to be arrested. As such, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is in custody since 23.01.2024. Investigation has since been completed and challan stands presented. The trial is obviously likely to take time. There is no basis for the contention that the petitioner may abscond or intimidate the witnesses. Keeping in view the nature of the subject offences, the period of incarceration of the petitioner, the fact that further detention of the petitioner is not going to serve any useful purpose and further keeping in view the settled proposition of law to the effect that bail is the rule and jail is an exception, I am of the considered opinion that the petitioner deserves to be extended benefit of bail. Hence, the petition is allowed and the petitioner is ordered to be admitted on bail, subject to his furnishing personal as well as surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

22nd July, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No