



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.35056 of 2024
Date of decision: 29th July, 2024

Sahil @ Mohammad Sahil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ketan Antil, Advocate for the petitioner.

Mr. Gagandeep S. Chhina, Asst. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.94 dated 20.03.2024 under Sections 420, 467, 468, 471, 473 of the IPC and Section 13(1) 17 of the Haryana Gauvansh Sanrakshan & Gausamvardhan Act, 2015 registered at Police Station Madhuban, District Karnal.

2. Learned counsel for the petitioner inter alia contends that the petitioner has no criminal antecedents and has now been in custody since 20.03.2024; he was only working as a driver of a vehicle of one Rizwan, who had deputed him to carry goods from Delhi to the State of UP, when the vehicle was intercepted by the private complainant Deepak. He submits that the petitioner was not aware about the contents of the boxes which had been loaded into his canter. Learned counsel submits that



since investigation in the present case is complete as challan stands presented and even charges framed, his further incarceration would serve no useful purpose since none of the 18 prosecution witnesses have been examined till date. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Sukhbir, has not been able to dispute that the vehicle, which was transporting the cartons containing cow beef, was not owned by the petitioner but he was working as a driver; on suspicion the vehicle was stopped by one Deepak who in turn informed the police leading to the recovery of various cartons containing cow beef from the vehicle. Learned State counsel has also not disputed the stage of the trial and that 18 prosecution witnesses have been cited and the next date of hearing fixed before the trial Court is 09.08.2024 when the prosecution evidence is likely to commence.

4. On a pointed query put to the learned State counsel, he on instructions has also not disputed that the petitioner is not involved in any other criminal case.

5. I have heard learned counsel for the parties and perused the relevant material on record.



6. Following allegations have been levelled by the complainant while lodging the FIR in question:

“Sir, it is submitted that I am Deepak Sharma son of Devi Singh, resident of village Diggar Majra. Today on 20.03.2024, When I was coming from Bastada Toll, I saw one vehicle having registration no. UK 17EA 5195 and blood was leaking from the vehicle. We followed the said vehicle, he tried to hit us and thereafter we stopped the said vehicle. In this vehicle flesh of cow was kept and its driver was trying to flee. Police has caught him and it is requested from the department tokindly get this work stopped and for providing help to us. The driver has himself admitted that this vehicle belongs to this route. That these vehicles may kindly be sealed and strict action be taken against the owners. That the information with regard to these vehicles is with us but the police is unable to trace the same. Kindly the same may be checked and strict action be taken. SD Deepak Sharma resident of village Diggar Majra, Karnal.”

7. In the facts and circumstances as enumerated hereinabove, since investigation is complete and charges also framed, further incarceration of the petitioner would serve no useful purpose, more so when the trial would take considerable time to conclude. This Court thus deems it fit to extend the concession of bail to the petitioner. The petition



as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

July 29, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No