

2024.PHHC.143883



224.

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

CRM-M-36414-2024

Date of decision: 05.11.2024

Nijjar @ Nijjar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

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

Mr. Rajiv Sidhu, DAG, Haryana.

GURBIR SINGH, J.

1. This petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner in case FIR No.208, dated 20.12.2021, registered under Sections 3/13(1) and 8/13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 at Police Station Bichhor, District Nuh.
2. As per prosecution version, secret information was received that petitioner along with Liaqat and Wasim were involved in the business of cow slaughtering, and accordingly, a raid was conducted at the house of petitioner-Nijjar and on seeing the police party, the accused managed to flee away from the spot. Fresh beef of a slaughtered cow weighing approximately 140 kg along with 4 legs, a cow head, an iron axe, 3 iron knives, a stake (gandasa) iron and weighing scales were recovered from the spot. The petitioner was arrested in the case on 13.05.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He was not apprehended from the spot. The co-accused had already been granted regular bail. Further detention of the petitioner would serve no purpose.

4. Pursuant to order dated 05.08.2024, reply by way of affidavit dated 02.10.2024 of Pardeep Khatri, HPS, Deputy Superintendent of Police, Punhana, on behalf of respondent-State, has already been filed in the Registry of this Court, which is taken on record.

4.1 Learned State counsel has opposed the bail to the petitioner on the ground that the beef was recovered from the house of the petitioner and not from the house of co-accused, so they were granted bail. The petitioner is involved in two more cases including one of similar nature.

5. I have heard the submissions of learned counsel for the parties.

6. Considering the fact that the petitioner is in custody since 13.05.2024, petitioner was not arrested from the spot from where recovery was effected, co-accused have already been granted bail, culpability of the petitioner would be determined during trial and completion of trial would take some time and pendency of other cases is no ground to decline bail, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty

Magistrate, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

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 and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

November 05, 2024
sanjeev

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