



CRM-M-38161 of 2024 -1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221 CRM-M-38161 of 2024
Date of decision: 12.08.2024

Hakku @ Hakmuddin ...Petitioner
Versus
State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Rosi, 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
42	05.02.2024	Ferozepur Jhirka, District Nuh	13(2), 13(1), 13(3) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of Prevention of Cruelty to Animals Act, 1960 (Later added Section of Haryana Gauvansh Sanrakshan And Gausamvardhan Act, 2015 and Section 473 of IPC, 1860.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the allegations that on 5th February, 2024, a secret information was received



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that the present petitioner along with co-accused namely Sahib, Azam and Akram were involved in the business of cow slaughtering and selling the same and on that day also, he was slaughtering a cow in a plot owned by Government, situated in Village Bhagola. It was further informed that petitioner along with co-accused can be apprehended if raid be conducted immediately. On receipt of this information, a raiding party was immediately formed which raided at the informed place and saw the petitioner and the accused while slaughtering a cow. On seeing the raiding party, they managed to flee from the spot by taking advantage of darkness. However, the petitioner was duly identified by secret informer. The police party recovered 150 Kg. of beef, one skin of cow with horn, tail and four legs smeared with blood, two knives, one axe and two motorcycles without number plates from the spot. After registration of FIR, investigation proceedings were initiated. The petitioner and co-accused were arrested on 28.04.2024. The investigation has since been completed. The petitioner had moved an application for grant of bail which has been dismissed by the Court of learned Additional Sessions Judge, Nuh, vide order dated 20.07.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 28.04.2024. Trial is likely to take time and no useful purpose would be served by detaining him in custody any more. Therefore, it is argued that petitioner deserves to be given concession of regular bail.



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4. *Per contra*, learned State counsel who has advance notice of the petition has submitted that he is ready to argue the matter. It is contended by him that the allegations against the petitioner are serious in nature. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail and hence, it is urged by him that the petitioner does not deserve to be extended benefit of regular bail.

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 along the co-accused is alleged to be found while slaughtering a cow as on 05.02.2024. He is in custody since 28.04.2024. Investigation has since been completed. Neither any recovery remains to be effected from the petitioner nor his custodial interrogation is required. Trial is obviously likely to take time. Subject offences are triable by Magistrate. There is no basis for the contention that the petitioner may abscond as he has permanent abode. The question of his intimidating the prosecution witnesses also does not arise as all the witnesses of the prosecution are police officials. No useful purpose would be served by detaining the petitioner in custody anymore. There are no criminal antecedents of the petitioner. Keeping in view the discussion made hereinabove, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate



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concerned.

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

[MANISHA BATRA]
JUDGE

12.08.2024
anil

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| 1. <i>Whether speaking/ reasoned</i> | : | <i>Yes / No</i> |
| 2. <i>Whether reportable</i> | : | <i>Yes / No</i> |