



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-44512-2024
Date of decision : 13.09.2024

Umarddin @ Kallan Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Nafeesh Ahmed, Advocate
for the petitioner.

Mr. Apoorv Garg, Sr. DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. At the outset, counsel for the petitioner submits that inadvertently the present petition has been filed under Section 439 Cr.P.C. The same be treated as governed under Section 483 of the BNSS Act, 2023.
2. Prayer is for grant of regular bail FIR No.73 dated 19.03.2024, registered for the offences punishable under Sections 13(2) and 13(3) of the HGS and GS Act, 2015 and Section 186 and 353 of IPC, 1860 at Police Station City Nuh, District Nuh, Haryana.
3. As per the case of the prosecution, it was alleged in the FIR as under:-

“TO, SHO Sahab Police Station City Nuh Jai Hind.
Today, SI along-with ESI Satveer Singh No.603/Nuh, SPO
Rajbir No. 427/Nuh, HGH Abid No.709/Nuh, in a
government vehicle Bolero No HR-27-GV- 5892 and



Driver Dharmbir (Kaushal Employment) were present near old vegetable market city Nuh, the secrete informer informed that Umardin @ Kalpan s/o Mamuddin, Arman s/o Umardin @ Kallan, Mahira d/o Umardin @ Kallan, resident Qureshi Mohalla Ward No.6, Nuh, Kali s/o Pappu, resident of Paldi Road Kasba Nuh and Abid s/o Sattar, resident of Palla, who together do the business of cow slaughtering. Even today, after slaughtering some cow in mountains of Palla, they brought beef house of Umardeen 8 Kallan, cutting it into small pieces and packing it in polythene and will sell it in the city on motorcycle. Cow beef and motorcycle can recovered, if raid is conducted immediately at the house of Umardin @ Kallan, then on considering the information to be true, passers-by near vegetable market were asked join raiding party, but all the passers-by went away by showing their legitimate compulsions. After informing fellow employees about the information, they took secrete alongwith them and reached the place pointed out by the secrete informer, the gate of the house was found closed, then on hearing the noise, four persons and a lady started making noise from inside and said to bring sticks were and told to teach policemen a lesson today, don't let go even single a persons, they started using sticks from inside, the police tried to stopped the attack with sticks to save, making noise, and then all the people and one lady started running through the rooftops. Among those who were running away, one person was apprehended by ESI Satbir & HGH Aabid, who suffered some injuries on his hands and legs due to jumping over the wall, rest other persons managed to escape, on asking the name of the persons who was apprehended told his name as Umardin @ Kallan s/o Mamdin, r/o Qureshi Mohalla, Ward No.6, Nuh, told the names of those who were wielding sticks while running away, they were Arman



s/o Umardin @ Kallan, resident Qureshi Mohalla. Ward No. 6, Kali s/o Pappu, resident of Paldi Rod Kasba Nuh. Abid s/o Sattar, residing Palla, and told that it was me and my wife Mahira who were abusing, and while we opened the gate with and looked inside the room and saw about 50kg freshly cow beef in big and small pieces and an axe, a iron khuri and a iron baad, an electric scale, a steel small praat were found and one splendor motorcycle of black color without registration number, which engine and chassis were found worn out. Axe and a knife iron, praat & electric scale were kept in plastic wrap and sample was prepared, on which a stamp of BS marked by ESI Satbir Singh, who recovered about 50kg cow beef, a plactic wrap marked as BS and a splendor motorcycle which engine and chassis were found the list of memo worn out, and were was taken as proof by police. On receipt of the list of memo, signatures the of the witnesses were obtained. Accused namely Umardeen @ Kallan, Arman, Kali, Sahira, Abid, the above mentioned people together slaughtered the cow, kept the beef in the cow bee Kalan's house, room of Umardeen cut it into small pieces, packed it in the polythene for supplying on motorcycle and obstructed the police work, therefore committed crime under section 3/13 (1), 8/13(3), 17 HGS Act & 186, 353 of IPC".

4. Petitioner is behind bars for more than 05 months and 16 days. It is not disputed that the investigation stands concluded and challan stands presented. Thus, there cannot be any apprehension that the petitioner shall tamper with the evidence. As per settled law, custody of the petitioner cannot be prolonged as a punitive measure.

5. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate,



concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

13.09.2024

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No