

CRM-M-49388-2023

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(224)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49388-2023

Date of Decision: 24.01.2024

SHOKAT @ SOKAT

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Arisha Sharma, Advocate for
Mr. Harshit, Advocate for
Mr. Talim Hussain, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0025 dated 08.03.2021 registered under Sections 13(1), 13(3), 3 and 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, (Sections 420 and 473 IPC, 1860 added later on) at Police Station Utawar.

2. The brief facts of the case are that secret information was received that the petitioner was in the business of supplying cow meat and would be bringing the same on his motorcycle. If a barricade was set up, he could be overpowered.

Based on the aforementioned information, a barricading was set up and a motorcycle with carriers on the side and a black bag on it was seen coming. On seeing the barricade, the driver turned the motorcycle back and

fled away leaving behind the motorcycle at the spot. The container of the motorcycle and the bag thereon were found to contain 140 Kgs of cow meat.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. He was not apprehended at the spot. The motorcycle allegedly used in the occurrence was not in the name of the petitioner. As he was in custody since 27.06.2023 and none of the 20 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel while referring to the reply dated 20.11.2023 contends that the petitioner was a habitual offender with other cases registered against him for having committed similar offences. He had been declared a proclaimed offender and came to be arrested only on 26.06.2023. Therefore, he was not entitled to the concession of bail.

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

6. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 27.06.2023 and none of the 20 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Shokat @ Sokat son of Ikbal is ordered

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to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in the State reply dated 20.11.2023.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

24.01.2024

JITESH

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