

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

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CRM-M-51251-2024

Date of Decision : October 23, 2024

MATHA ALIAS MAMHI

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Paras Khindri, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Raghav Garg, A.A.G, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 483 of the B.N.S.S., prayer is made for grant of regular bail to the petitioner, in case FIR No.156 dated 11.07.2020, under Sections 399, 402, 429 of the IPC, Section 11 of the Prevention of Cruelty to Animals Act, 1960, and, Section 4A, 4B and 8 of the Punjab Prohibition of Cow Slaughters Act, registered at P.S. Amargarh, District Sangrur.

2. Record reveals that, vide order dated 06.07.2021, the petitioner was granted the concession of regular bail by the learned Additional Sessions Judge, Sangrur, whereupon, he was regularly appearing in the trial proceedings. However, when the petitioner absented himself from the trial proceedings on 25.08.2022, the learned trial Court concerned was led to initiate proclamation proceedings against him. Finally, the petitioner surrendered before the learned trial Court concerned on 25.04.2023 and he has been behind the bars since then.

3. The learned State counsel, on instructions imparted to him by the official concerned, informs this Court that, although charges have been framed, but, none of the nine prosecution witnesses has been examined so far. Moreover, he also places on record the custody certificate of the petitioner, as issued by the Superintendent, District Jail, Sangrur.

4. Be that as it may, taking into account the fact that: (i) the petitioner was earlier granted the concession of regular bail by the learned Additional Sessions Judge, Sangrur; (ii) consequent upon initiation of proclamation proceedings, the petitioner surrendered before the learned trial Court concerned on 25.04.2023 and he has been behind the bars since then; (iii) as per custody certificate, the actual undergone period of the petitioner is 02 years, 05 months and 21 days; (iv) there being no likelihood of the trial concluding anytime soon, as none of the prosecution witnesses is examined so far; this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

October 23, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No