

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52986-2024
Reserved on: 05.11.2024
Pronounced on: 12.11.2024

Nadim ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
63	12.07.2024	City Tauru, District Nuh	3/13(1), 8/13(3), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act and 61 (2) BNS, 2023

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 6 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. That brief facts of the case are that on 12.07.2024, the police patrolling team has received an information from secret informer that Nadeem and Wasim sons of Mamdin, Sahid @ Advani and Azruddin @ Ajji have been indulged in cow slaughtering and today also, they have slaughtered one cow and accused Nadeem and Wasim brought the said beef in pieces to their home on their motorcycles No.HR-96A-5561 HF Deluxe and No.HR-96B-4959 HF Deluxe respectively. If raid be conducted, they can be apprehended from their house. Accordingly, the police conducted raid at the house of applicants where two male and two female were found cutting the beef in small pieces. On seeing the police, the females ran away from there and they could not be apprehended for want of lady police. However, other two persons were apprehended, who disclosed their name as Nadeem and Wasim. They also disclosed the name of female co-accused as

Samrin and Ruma i.e. their wives. On search, 95 Kg. fresh slaughtered beef with oozing blood were found at the spot along with slaughtering tools and above said motorcycles which have been used in commission of said offence."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"4. That after lodging FIR, the investigation was set into the motion and during the course of investigation, the accused/petitioner and his co-accused were arrested from the spot on 12.07.2024. Custody certificate is annexed herewith as Annexure R-1 and during the course of interrogation both of the them suffered their disclosure statements vide which they admitted their involvement in commission of the said crime. The flash was examined from the veterinary doctor, who had taken a sample and handed over to IO and the sample was sent to 'MOLECULAR BIOLOGICAL DNA LABORATORY FARIDABAD and report of the same was obtained, in which the doctor clearly mentioned that sample flash belongs to the cattle species i.e. Cow/Oxen. The photo copy of the report is annexed herewith as Annexure R-2. Statements of the witnesses were recorded. Recovered equipments of cow slaughtering and motorcycle bearing no. HR-96A-5561 and HR-96B-4959 were taken into the police possession."

7. Per paragraph 5 of the bail petition, the petitioner has been in custody since 12.07.2024. Per the custody certificate dated 04.11.2024, the petitioner's total custody in this FIR is 03 months and 23 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaka Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.11.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.