

214 (5 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 03.02.2025

1. CRM-M-3089-2025

AADIL ALIAS ADILPetitioner(s)

VERSUS

STATE OF HARYANARespondent(s)

2. CRM-M-3104-2025

YASHIN ALIAS YASINPetitioner(s)

VERSUS

STATE OF HARYANARespondent(s)

3. CRM-M-3273-2025

VARISPetitioner(s)

VERSUS

STATE OF HARYANARespondent(s)

4. CRM-M-3277-2025

MAHBOOBPetitioner(s)

VERSUS

STATE OF HARYANARespondent(s)

5. CRM-M-3292-2025

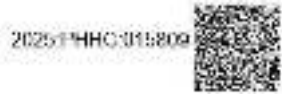
AYUB ALIAS AYYUBPetitioner(s)

VERSUS

STATE OF HARYANARespondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rupender Singh Rana, Advocate
for the petitioner in CRM-M-3089-2025



Mr. Ketan Antil, Advocate for the petitioner(s)
in CRM-M-3104-2025, CRM-M-3273-2025,
CRM-M-3277-2025 & CRM-M-3292-2025.

Ms. Mayuri Lakhanpal, DAG, Haryana.

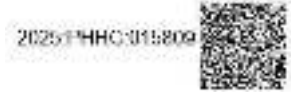
SANJAY VASHISTH, J. (Oral)

1. This common order shall dispose of the above mentioned five petitions, as same have arisen from one common FIR. For the sake of brevity, facts are enumerated from CRM-M-3089-2025.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
AADIL ALIAS ADIL (in CRM-M-3089- 2025); YASHIN ALIAS YASIN (in CRM-M- 3104-2025) VARIS (in CRM-M-3273- 2025) MAHBOOB (in CRM-M- 3277-2025) AYUB ALIAS AYYUB (in CRM-M-3292- 2025)	552	15.09.2017	428, 429 of IPC and 11-D of the Prevention of Cruelty to Animals Act, 1940	Bhiwani Sadar	Bhiwani

The instant petitions have been filed for grant of regular bail
to the petitioners, (1) Aadil @ Adil, (2) Yashin @ Yasin (3) Varis (4)



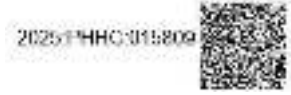
Mahboob and (5) Ayub @ Ayyub, who have committed the offence punishable under Sections 428, 429 of IPC and Section 11D of the Prevention of Cruelty to Animals Act, 1940, in FIR No.552, dated 15.09.2017, registered at Police Station Bhiwani Sadar, District Bhiwani, during the pendency of trial.

On the very outset, counsel for the petitioners submit that in all these five petitions, during the course of the trial, petitioners were released on bail, but subsequently, on account of being absent, their bail was cancelled, and bail bonds were forfeited. Subsequently, all the five petitioners surrendered on 20.12.2024, and since then, they are inside jail.

Counsel for the petitioners further submit that the petitioners had already spent sufficient time inside jail and have thus, learnt the required lesson that of, not to be absent in future from the Court proceedings. Thus, they undertake to be present on all future dates, and also to cooperate for early disposal of the trial.

Counsel(s) for the petitioners relies upon the order dated 21.01.2025, passed by this Court in CRM-M-1900-2025 (Dilshad vs. State of Haryana) and order dated 31.01.2025 passed in CRM-M-4521-2025 (Aamir Khan alias Amir Khan vs. State of Haryana) and other connected cases, which have arisen out of same incident and FIR, and submit that the concession of bail has already been extended by this Court to the co-accused of the present petitioners.

Order dated 31.01.2025 passed by this Court in CRM-M-4521-2025, reads as under:-



‘1. This common order shall dispose of the above mentioned four petitions, as same have arisen from one common FIR. For the sake of brevity, facts are enumerated from CRM-M-4521-2025.

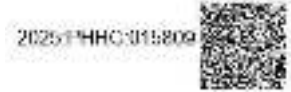
2. The instant petitions have been filed for grant of regular bail to the petitioners, (1) Aamir Khan @ Amir Khan, (2) Farman (3) Irfan and (4) Amjad, who have committed the offence punishable under Sections 428, 429 of IPC and Section 11D of the Prevention of Cruelty to Animals Act, 1940, in FIR No.552, dated 15.09.2017, registered at Police Station Bhiwani Sadar, District Bhiwani, during the pendency of trial.

3. On the very outset, counsel for the petitioners submit that in all these four petitions, during the course of the trial, petitioners were released on bail, but subsequently, on account of being absent, their bail was cancelled, and bail bonds were forfeited. Subsequently, all the four petitioners surrendered on 20.12.2024, and since then, they are inside jail.

4. Counsel for the petitioners further submit that the petitioners had already spent sufficient time inside jail and have thus, learnt the required lesson that of, not to be absent in future from the Court proceedings. Thus, they undertake to be present on all future dates, and also to cooperate for early disposal of the trial.

5. Counsel for the petitioners relies upon the order dated 21.01.2025 passed by this Court in CRM-M-1900-2025, in the case of Dilshad vs. State of Haryana, appended with the petition as Annexure P-4, and submit that the same relief, which has already been considered and granted by this Court, in the said case, be extended to the present four petitioners, also.

Order dated 21.01.2025 passed by this Court in CRM-M-1900-2025, reads as under:-



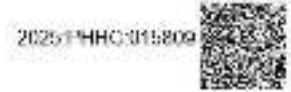
“1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner, who has been booked for having committed the offences punishable under Sections 428 and 429 IPC and Section 11 D of the Prevention of Cruelty to Animals Act, 1990, in FIR No. 552, dated 15.09.2017(P-1), registered at Police Station Sadar Bhiwani, District Bhiwani, during the pendency of trial.

2. Learned counsel for the petitioner contends that petitioner and his co-accused were initially granted bail by learned Magistrate, however, due to his absence during trial, the bail already granted to the petitioner was cancelled vide order dated 18.11.2024 (P-2). Subsequent thereto, petitioner alongwith other eight co-accused, who all were absent, surrendered themselves on 20.12.2024 (P-3) to join the process of law.

3. Learned counsel for the petitioner also submits that thereafter the bail application was preferred by the petitioner alongwith other coaccused before the Court of learned Additional Chief Judicial Magistrate, Bhiwani, same was dismissed vide order dated 23.12.2024 as the concession was once misused by the petitioner.

4. Learned counsel for the petitioner further submits that even the prayer of release of the petitioner on bail has not been accepted by the Higher Court i.e. Court of learned Additional Sessions Judge-cum-Vacation Judge, Bhiwani and the prayer was dismissed vide order dated 28.12.2024, hence petitioner is before this Court.

5. Learned counsel for the petitioner submits that admittedly the petitioner defaulted and violated the terms and conditions of bail, however, it is the petitioner who alongwith other co-accused surrendered before the Court concerned and since then he is in custody.



6. *Learned counsel for the petitioner also submits that all the offences are triable by the Court of learned Magistrate and there is no likelihood of completion of the proceedings in near future, because the prosecution witnesses are being examined till date, though the proceedings started in the year 2017.*

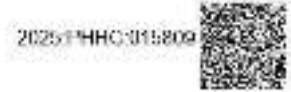
7. *On the other hand, learned State counsel while opposing the contention of learned counsel for the petitioner submits that the plea of the petitioner should not be accepted as the discretionary relief already availed by him has been flouted, however, learned State counsel does not dispute the factual aspects as addressed by the counsel for the petitioner.*

8. *Considering the aforesaid facts and circumstances and the fact that the petitioner is in custody since 20.12.2024, this Court deems it appropriate to allow the prayer made in the present petition. Petitioner is ordered to be released on bail in this case, subject to his furnishing fresh bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.*

9. *However, it is made clear that the lenient view of releasing the petitioner on bail has been taken by having expectation from the petitioner that in future, proceedings would not get delayed because of his absence or unwarranted conduct.*

Petition stands disposed of.”

6. *On the other hand, learned State counsel is not in a position to dispute, any of the submissions addressed by the counsel for the petitioners today before this Court. However, as a State counsel vehemently opposes the contention made by the petitioners for releasing of the petitioners again on bail.*



7. *Considering all the circumstances and noticing the order dated 21.01.2025 passed in CRM-M-1900-2025, this Court **allow** all the aforementioned four petitions.*

8. *Consequently, petitioners namely (1) Aamir Khan @ Amir Khan, (2) Farman (3) Irfan and (4) Amjad, are ordered to be released on bail, subject to their furnishing fresh bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.*

9. *However, it is made clear that the lenient view of releasing the petitioners on bail has been taken by having expectation from the petitioners that in future, proceedings would not get delayed because of their absence or unwarranted conduct.*

10. *Petitions stands disposed of.*

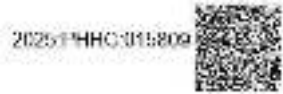
11. *A photocopy of this order be placed on the files of other connected cases.'*

Thus, prays for grant of similar relief in the present petition(s) as well.

On the other hand, learned State counsel is not in a position to dispute, any of the submissions addressed by the counsel for the petitioners today before this Court. However, as a State counsel vehemently opposes the contention made by the petitioners for releasing of the petitioners again on bail.

7. Considering all the circumstances and noticing the order dated 21.01.2025, passed by this Court in CRM-M-1900-2025 (Dilshad vs. State of Haryana) and order dated 31.01.2025 passed in CRM-M-4521-2025, this Court **allow** all the aforementioned five petitions.

8. Consequently, petitioners namely (1) Aadil @ Adil, (2) Yashin @ Yasin (3) Varis (4) Mahboob and (5) Ayub @ Ayyub, are ordered to be



released on bail, subject to their furnishing fresh bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. However, it is made clear that the lenient view of releasing the petitioners on bail has been taken by having expectation from the petitioners that in future, proceedings would not get delayed because of their absence or unwarranted conduct.

10. Petitions stands disposed of.

11. A photocopy of this order be placed on the files of other connected cases.

(SANJAY VASHISTH)
JUDGE

February 03, 2025
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Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO