



CRM-M-52659-2024

-1-

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

CRM-M-52659-2024

Date of Decision: 24.04.2025

Ansar @ Bolar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Imtiyaz Hussain, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.140 dated 26.07.2023 under Sections 279, 336 IPC, Sections 3, 13(1)(13), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of the Animal Cruelty Act, registered at Police Station Bahin, District Palwal.

2. Succinctly, facts of the case are that the police party while on patrolling on 26.07.2023, received a secret information to the effect that Sakil @ Kala, Rahish, Dilshad, Nisar, Bolwer @ Ansar (petitioner) and Tahir were involved in business of cow slaughtering and they were bringing cows in a vehicle No.RJ14 GJ 9212. It was informed that they were coming from Uttawar towards village Kot and in case of barricading, they could be arrested alongwith the cows. On receiving the secret information, raiding party was constituted and barricading was done. The police spotted the truck as disclosed in the secret information and the same was signalled to be stopped. However, the driver of the truck tried to turn the vehicle, but the same was chased by the police party. The inmates of the truck escaped abandoning the truck. On conducting the search of the truck, 17 cows were



recovered from the same. The FIR was registered and the police proceeded with the investigation. During the investigation, the petitioner was arrested on 15.11.2023. In all there were seven accused, however, only five accused could be arrested, but remaining two accused could not be arrested. Challan was presented and on framing of charges, the trial Court commenced with the trial. The petitioner approached the Court of learned Additional Sessions Judge, Palwal praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 10.10.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that though name of the petitioner was mentioned in the secret information, however, he was not arrested from the spot. He submits that the petitioner is involved in other cases as well and it is because of the same, the present case has been planted upon him. He submits that the petitioner is behind bars from the last more than 1½ years, however, the prosecution has not been able to conclude the trial. He submits that though the petitioner is involved in other cases of the similar nature, however, he has been acquitted in two of the cases, whereas, in some of the case, he is on bail and others are pending trial. He submits that simply because of the petitioner is involved in other cases, is no ground to reject the bail of the petitioner. He, thus, submits that the petitioner deserves to be granted bail.



4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was specifically named in the secret information and during the investigation, he was arrested on 15.11.2023. He submits that the petitioner and the co-accused were arrested during the investigation. On instructions from ASI Man Singh, he has submitted that out of total 12 prosecution witnesses, 03 witnesses have been examined till date. He has placed on record the custody certificate of the petitioner and submits that the petitioner is involved in 21 other cases and thus, he is a habitual offender.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the present case was registered on the basis of the secret information. The petitioner was arrested during the investigation on 15.11.2023. Though the petitioner is involved in other cases as well, however, as reflected from the custody certificate, in two of the cases he has been acquitted, whereas, in some of the cases he is on bail and rest are pending trial. The custody certificate would reflect that he has suffered incarceration of 01 year 05 months & 09 days as on 23.04.2025. Out of total 12 prosecution witnesses, 03 witnesses have been examined. There is no gainsaying that other cases against the petitioner in itself cannot be a ground for rejection of the bail.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the



CRM-M-52659-2024

-4-

sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

24.04.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No