

CRM-M-57814-2024

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

CRM-M-57814-2024

Date of Decision: 15.05.2025

Sajid @ Kiddu

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

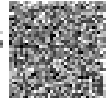
Present: Mr. Munfaid Khan, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

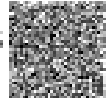
1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.149 dated 30.03.2016 under Section 147, 149, 307, 332, 353, 186, 427, 120-B, 201 IPC and Section 13-B of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 registered at Police Station Model Town, Rewari, District Rewari.

2. Succinctly, facts of the case are that on 30.03.2016, the Police received a secret information to the effect that a white pick-up vehicle carrying cows was going from Hans Nagar-Bhadabas road to Sector-3, Rewari. On receiving the information, barricading was done at Sector-3 road on Rajesh Pilot Chowk. A pick-up van was seen coming at a high speed, however, on seeing the police, the vehicle fled away. The same was chased by the police, but finding they were cornered, they turned their vehicle back and the persons sitting in the vehicle started pelting stones on the police party with intention to kill them. However, finally they abandoned the vehicle and escaped from the scene of occurrence by pelting stones on the police party. On conducting the search of the vehicle, three cows were recovered from the pick-up van. It was alleged that unknown accused



persons committed crime of carrying cows for slaughtering and attacking the police with intention to kill. On the registration of the FIR, the investigation commenced. During the investigation, identity of the accused involved in the crime was identified. The petitioner was also one of the accused, thus, he was also arrayed as an accused. Out of seven accused involved, the police could arrest only three accused, who were tried by the trial Court and all three accused were acquitted. However, the petitioner evaded his arrest and finally he was arrested on 20.08.2024. He approached the Court of learned Additional Sessions Judge, Rewari 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 24.10.2024. 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 neither the petitioner was named in the FIR, nor there was any overt act alleged against him. He submits that the FIR was lodged against unknown persons. He submits that during the investigation, disclosure statement of the co-accused was recorded and only on the basis of the same, the petitioner has been arrayed as an accused in the present case. He submits that even otherwise, the disclosure statement of the co-accused in itself is not an admissible evidence. He submits that three of the co-accused have faced the trial and all three have been acquitted by the trial Court. He submits that the petitioner is behind bars since the date of his arrest, however, there is no progress in the trial. He submits that no *prima*



facie case as alleged against the petitioner is made out and thus, in the facts and circumstances, he deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that during the investigation, complicity of the petitioner was duly established, however, he could not be arrested and finally, arrested after eight years i.e. on 20.08.2024. On instructions, he submits that out of total 26 prosecution witnesses, only 02 witnesses have been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case pertains to the year 2016. The petitioner was arrested on 20.08.2024. Three of the co-accused have already been acquitted by the trial Court. Out of total 26 prosecution witnesses, 02 witnesses have been examined. As reflected from the custody certificate, the petitioner has suffered incarceration of 08 months & 25 days as on 14.05.2025. It further reflects that the petitioner has no criminal antecedents.

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

		(RAJESH BHARDWAJ)
		JUDGE
15.05.2025	Whether Speaking/Reasoned :	Yes/No
sharmila	Whether Reportable :	Yes/No