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

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CRM-M-23804 of 2026
Date of Decision: 13.05.2026

Nimba Ram @ Niba Ram @ Chautala

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.21 dated 18.01.2026 registered under Sections 11-59-60 of Animal Cruelty Act and Sections 3, 4, 5, 7, 13(1) and 13(2) of Haryana Gauvansh Sanrakshan Avam Gausamvardhan Act, 2015, at Police Station Kalanwali.
2. Brief facts as per the case of the prosecution are that the petitioner had loaded gauvansh in a vehicle and while transporting the same, threw them from the vehicle, resulting into the death of one cow and injuries to three gauvansh. Hence, the present FIR.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no

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concern with the said offence. He argued that the petitioner is a professional contractor and is responsible for protecting crops and his primary duty was to manage stray cattle. He further argued that on the night of the incident, he was merely transporting the animals away from the fields to protect the crops. He further argued that if the contents of the FIR are taken to be true, even then ingredients of Section 2(q) and Section 3 of the Haryana Gauvansh Sanrakshan Avam Gausamvardhan Act, 2015 are not made out against the petitioner. No recovery is to be effected from the petitioner. The petitioner is in custody since 19.01.2026. The investigation in the case is complete and challan also stands presented but charges are yet to be framed. He further submitted that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner and status report in the matter, which are taken on record and while referring to the status report, she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She has further submitted that the petitioner is involved in two more cases meaning thereby he is a habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 03 months; he has clean antecedents; investigation in the FIR is complete; challan stands presented; charges are yet to be framed; the complicity of the petitioner is a matter of trial, and will take a long time



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to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein the Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away

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from the jurisdiction of the Court etc."

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

13.05.2026

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No