

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52336-2025
Reserved on: 22.09.2025
Pronounced on: 24.09.2025

Jakir ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nafeesh Ahmed, Advocate for the petitioner.

Mr. Atul Gaur, A.A.G, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
17	26.01.2025	Pinangwan, District Nuh	13(1), 13(2), 13(3), 17, 3, 5, 8 of HGS & GS Act and 11 of Prevention of Cruelty to Animal Act, 1960 (Sections 3/13(1), 8/13(3), 5/13(2), 17 of HGS 7 GS Act mentioned in impugned order P-2)

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 13 of the bail petition, the petitioner declares that he has no criminal antecedents.

3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1) which reads as follows:

"To, the SHO Sahab, Police Station Pingawa, Jai Hind, Today I, Inspector including Sub Inspector Gajendra No.75/Nuh, Sub Inspector Harendra No.16/Nuh, Constable Ajay Kumar No.675/Nuh, in a government vehicle Bolero No.HR-27GV-5697, with driver Constable Chetan No.320/Nuh were present at Bus Stand, Village Shahchokha for prevention of crimes, when a secret informer informed that Iqbal son of Mubin, Sahil son of Iqbal, Jakir son of Iqbal do the business of selling beef after slaughtering cows. Even today, they are slaughtering cows in the forest of Village Otha, if an immediate raid is conducted then the accused along with beef and cattle can be caught, SI,

considering the information to be true, informed the fellow officials about the information and taking along a secret informer, raided the place indicated by the informer. Some persons were seen slaughtering cows in the forest. Who, on seeing the police party, took advantage of the darkness and started running away from the spot. SI, with the help of his fellow officials, tried to apprehend them, but they managed to escape from the spot on taking advantage of darkness and standing crop. The secret informer told the names of the escapees as Iqbal son of Mubin, Sahil son of Iqbal, Jakir son of Iqbal and two others whose name and address are not known. When they returned to the spot, they found 49 kg beef in 1 plastic drum, 1 plastic tray containing 43 kg beef, 1 plastic foil containing 1 kg beef, total 93 kg beef, bones (jaw) and 2 cow skins from which fresh blood was oozing and 4 alive calves of red colour, which were cruelly tied by tying them in a ruined house built nearby. And, 1 alive bull of black colour was tied to a tree at the place where they were slaughtering the cows. Fresh blood and flesh was found on all the tools and skins. Which was found soaked in blood, 5 Iron knife, 02 iron sand knives for sharpening, 01 rope about 06 feet long, 02 axes, 01 computer fork iron, 01 motorcycle Splender plus Hero of black colour whose number is HR-93-B-9706 on which 01 kg beef plastic bag found. On the spot, scene of crime team was called which videographed the scene, the above mentioned goods and beef were taken into police possession through recovery report and on the recovery report the witnesses have signed. Accused Iqbal son of Mubin, Sahil son of Iqbal, Jakir son of Iqbal residents of Khori Shahchokha, Police Station Pinangwa and 02 other names and addresses unknown have committed the crime under section 3/13(1), 8/13(3), 5/13(2) 17 HGS GS ACT 11.59.60 AC ACT. "

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 petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail on instructions.

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. Per paragraph 08 of the bail petition, the petitioner has been in custody since 28.02.2025. Per the custody certificate dated 20.09.2025, the petitioner's total custody in this FIR is 06 months and 23 days.

9. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.² Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.³ Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.⁴ When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.⁵

10. Given the above, 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.

11. 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.

¹ Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

²Supreme Court of India in *State of Kerala v. Raneef*, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

³ Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

⁴ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

⁵ Supreme Court of India in *Sanjay Chandra v. CBI* , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

12. Given the 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 Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

13. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

14. 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)	

15. This order is subject to the petitioner’s complying with the following terms.

16. 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.

17. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner’s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

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

19. It is clarified that this bail order shall not be considered as a blanket bail order in

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any other matter and is only limited to granting bail in the FIR mentioned above.

20. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

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

(ANOOP CHITKARA)
JUDGE

24.09.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.