

Kayum *Versus* State of Haryana

CNR No. HRPL01003860-2025

CIS No.BA-1165-2025

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HRPL010038602025



Presented on : 28-05-2025
Registered on : 28-05-2025
Decided on : 04-06-2025
Duration : 0 years, 0 months, 7 days

IN THE COURT OF
Additional District and Sessions Judge
AT ,Palwal
(Presided Over by Sh.Abhishek Phutela)

BA/1165/2025

Case Type	Bail application
Institution Number	398 of 28.5.2025
CNR Number.	HRPL01-003860-2025
CIS Number	BA-1165-2025
Date of Order	04.6.2025

Kayum son of Sh. Sujat, aged about 32 years, resident of village Hussainpur, Tehsil and District Nuh (Mewat), Haryana.

.....Applicant-accused

Versus.

State of Haryana

.....Respondent.

F.I.R. No.	:	59 dated 09.3.2025
Under Sections(s)	:	11 Animal Cruelty Act & 3,4 (1), 5, 13 (1) 13(2) Haryana Gauvansh and Gausamvardhan Act 2015 & Section 61, 281, 125, 347 (1) BNS
Police Station	:	Beri, District Jhajjar

(Abhishek Phutela)
Addl.Sessions Judge,
Palwal, (UID No. HR0220)
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**FIRST APPLICATION FOR BAIL UNDER
SECTION 483 BNSS**

Argued by: Shri Aamir Khan, Advocate for applicant/accused
Shri Vinod Kumar, Public Prosecutor for the State
assisted by SI Ram Avtar, CIA Jhajjar

ORDER

This is to dispose of first bail application under Section 483 BNSS(for short, “Bharatiya Nagarik Suraksha Sanhita) filed on behalf of applicant-accused Kayum son of Sh. Sujat in case arising out of the FIR No. 59 dated 09.3.2025 under Sections Section 11 of Animal Cruelty Act & 3, 4(1), 5, 13(1) 13(2) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and 61, 281, 125, 347 (1) of Bharatiya Nyaya Sanhita, Police Station Beri, District Jhajjar.

2. Tersely put, the case of the prosecution is that on 09.03.2025, SI Satyanarayan was present at the City Beri Police Post when he noticed a container truck (HR-38S-7541) parked near the gate and heard a commotion. He, along with HC Anand No. 220, rushed outside and saw a crowd gathered. Rohit Yadav son of Sunil Yadav, resident of Gokalgarh, Rewari approached and submitted a written complaint. According to the complaint, on the night of 08.03.2025, Rohit Yadav received information from Sonu (son of Roop Singh, Palwal) that

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a container truck HR-38S-7541 was transporting cows illegally from Bhiwani to Mewat for slaughter. Rohit gathered his associates – Pradeep, Mukesh, Rahul, Aditya, Kanhaiya, among others – and positioned themselves at Bamla Toll plaza. Shortly, the truck approached. Despite signaling it to stop, the driver sped away, raising suspicions. They pursued the container towards Beri. Near the Beri Police Post, the driver abruptly stopped. Two youths attempted to flee but were caught after a struggle, during which some scuffle occurred. Upon checking the container, a large number of cows were found crammed inside, intended for slaughter. Legal action was requested against the culprits. The driver identified himself as Kayum, son of Sujat and his companion as Tarif son of Sahabuddin, both from Mewat. Consequently, FIR No. 59 dated 09.03.2025 was registered under Sections 11 of the Prevention of Cruelty to Animals Act and Sections 3, 4(1) and 5 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 at Police Station Beri. During investigation, the crime scene was inspected, witnesses were examined and the injured accused (Kayum and Tarif) were admitted to OH Beri hospital. A total of 31 bovines (9 cows, 13 calves, 7 bulls) were found; two cows were found dead and buried after post-mortem. The remaining animals were sent to Gaushala Beri. After recovering and being discharged from PGIMS Rohtak, Kayum and Tarif were arrested on 10.03.2025. In their confessions, they named several accomplices:

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Gulab, Tofik, Karn alias Chhota, Dharmbir alias Kanja, Hasim Khan, Mohammad Ikrar, Shahrukh, and Tanveer. On this basis, additional sections 61, 281, and 125 of the Bharatiya Nyaya Sanhita (BNS) were added. Medical examinations of accused were done. An SIT was constituted, and Inspector Vivek Kumar of CIA Jhajjar continued the investigation. Tofik was arrested on 10.03.2025 but was hospitalized at Oscar Hospital, Jhajjar, due to injuries. Later, SI Ram Avtar took over the investigation. Gulab was also arrested and made disclosures regarding the crime. The accused were produced before the Court; Tarif and Gulab were sent to judicial custody, and Kayum was remanded to three days of police custody. Raids were conducted in Agra, Lucknow, Mewat and Bhiwani to catch other accomplices. Upon expiry of remand, Kayum was also sent to judicial custody. Tofik, after being discharged from hospital, was produced before Court on 18.03.2025 and jailed. Further, accused Karn alias Chota and Munna alias Dharmbir alias Kanja were arrested on 19.03.2025 based on evidence.

3. In the first application under Section 483 BNSS for regular bail filed on behalf of the applicant/accused Kayum son of Sujat, it is contended that the applicant/accused has been falsely implicated. That there are sufficient reasons to believe that the applicant/accused has not committed the alleged offence. That the co-accused Tofik, Munna, Dharmbir, Gulab and Tarif are on regular bail. The applicant/accused has

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been falsely implicated by the police without any evidence of the commission of the crime by the applicant. The applicant is in custody since the date of his arrest. Trial will take a long time and no useful purpose would be served by keeping the applicant in judicial custody. The investigation is complete, as the police has submitted the challan. The antecedents of the applicant are clear. The applicant is a permanent resident of village Hussainpur, Nuh and there is no chance of his absconding.

4. In response, SI Ram Avtaar has filed the reply to oppose the bail application on the ground that in case the applicant is released on bail he may obstruct in the arrest of the co-accused or may influence the witnesses. That the applicant/accused is also involved in the following five other cases:-

1. FIR No.440 dated 23.12.2015 under Section 3,5,8 RBAS Act, P.S. Tapukra, Rajasthan.
2. FIR No.180 dated 04.3.2019 under Sections 398, 401 IPC & 25 Arms Act, P.S. Sadar, Nuh.
3. FIR No.298 dated 18.9.2011 under Sections 332, 353, 307 IPC & 3 PDPP Act, P.S Tapukra, Rajasthan.
4. FIR No.622 dated 09.10.2019 under Sections 279,336, 307, 34 IPC & 25 of Arms Act, P.S Sector 10 Gurugram.
5. FIR No.130 dated 24.4.2021 under Sections 279, 336,

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429 IPC & 13(1), 13(2) 20 HGS & GS Act 2015, P.S. Bawani
Khera, District Bhiwani.

5. During the course of arguments, the learned counsel for the applicant/accused has placed on record the copy of the daily order dated 03/05/2025 in SC/209/2020 titled “State vs Kayyum” pending before the Court of Mr. Sunil Kumar Dewan, learned ASJ Gurugram to contend that the applicant/accused is on bail in case FIR number 622/2019. The counsel also placed on record the copy of daily order dated 12/05/2025 passed in the case SC/304/2019 pending before the Court of Dr. Rahul Bishnoi, learned ASJ Nuh to contend that the applicant is on bail in case FIR number 180/2019. The learned counsel stated that on the eCourts website there is no record available of the FIR number 440/2015. Lastly, the learned counsel placed the case history of the matter arising from FIR number 298/2011 and stated that the accused were acquitted in the said case vide judgement dated 18/03/2025 passed by the Court of ASJ Tijara, Rajasthan.

6. I have heard the arguments advanced by the learned counsel for applicant-accused and the Learned Public Prosecutor for the State assisted by the Investigating Officer.

7. The applicant/accused was arrested on 10/03/2025. The co-accused Taufik was released on bail vide order dated 01/05/2025 passed by this Court. The co-accused Karan alias Chota and co-accused Munna

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alias Dharambir were released on bail vide order dated 09/05/2025 passed by this Court. The co-accused Gulab was released on bail vide order dated 12/05/2025 passed by this Court. The co-accused Tariff was released on bail vide order dated 17/05/2025 passed by this Court. The allegations against the applicant/accused are identical. The applicant/accused has remained in custody for a period of 86 days. The investigation is complete, as the challan has been recently presented on 08/05/2025. The commencement and conclusion of the trial is likely to take a long time. There are no circumstances before this Court to resort to the exception of refusal of bail especially considering the fact that the other co-accused persons facing similar allegations are already on bail.

8. For the aforesaid reasons, ***the first application for regular bail under Section 483 of the BNSS filed on behalf of the applicant/accused Kayyum @ Kayum is hereby allowed and it is ordered that the applicant/accused be released from custody in this case on furnishing bail bonds in the sum of Rs. 1 lakh with one surety in the like amount to the satisfaction of the learned Area(Special) Magistrate/Duty Magistrate.***

No expression of this order be construed to be an opinion upon the merits of the case.

Copy of this order be sent to the concerned Court and to the Superintendent of the concerned jail, by way of email.

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File be consigned to record room after due compliance.

**Announced in open Court
04.6.2025**

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Palwal, (UID No.HR0220)**

Santosh Kumari, Stenographer Gr.I

Note:- Certified that all the pages of this order have been checked
and signed by me.

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