

(2020) 08 UK CK 0054

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 1339 Of 2020

Mohd. Ahsaan And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 28-08-2020

Acts Referred:

Uttarakhand Protection Of Cow Progeny Act, 2007 — Section 3, 5, 11
Code Of Criminal Procedure, 1973 — Section 438

Citation : (2020) 08 UK CK 0054

Hon'ble Judges : Ravi Malimath, J

Bench : Single Bench

Advocate : Harshit Sanwal, J.S. Virk

Final Decision : Disposed Of

Judgement

Ravi Malimath, J

1. This writ petition is filed seeking for a writ, order or direction in the nature of certiorari to quash the First Information Report No. 559 of 2019 dated 25.12.2019 under Sections 3, 5 and 11 of the Uttarakhand Protection of Cow Progeny Act, 2007 registered at Police Station Bhagwanpur, District Haridwar, with a stay application to stay the arrest of the petitioners pursuant to the said FIR.
2. Shri J.S. Virk, learned deputy advocate general appearing on behalf of the State Government, submits that, by virtue of amendment to the Code of Criminal Procedure (Uttarakhand Amendment), 2019 brought about by the State in Act No. 22/2020, the affected persons are entitled to seek bail apprehending arrest under the provisions of Section 438 of Cr.P.C. The same was brought into effect from August 11, 2020.
3. In view of the submission made, I do not find it expedient to proceed further with the matter, since the petitioners have an alternate and efficacious remedy.

4. However, in order to protect the petitioners' interest, the respondents are directed not to arrest the petitioners for a period of 15 days' from today so as to enable them to approach the appropriate court seeking appropriate relief.
5. With these observations, the writ petition is disposed-off.