

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28906 of 2016

DECIDED ON: December 08, 2016

MUNSARIF AND ANOTHER

.....PETITIONERS..

VERSUS

STATE OF HARYANA

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Arjun Atri, Advocate for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

JASPAL SINGH, J (ORAL)

Through the instant petition preferred under Section 438 of the Code of Criminal Procedure, petitioners have sought pre-arrest bail, feeling apprehension of their arrest, in case bearing FIR No.134, dated 21.07.2016, under Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act 2015, Police Station Nagina, District Mewat, Haryana.

2. Undisputably, the petitioner has joined the investigation on 24.09.2016 in compliance of order dated 08.09.2016 passed by this Court. Though, during interrogation, the petitioner has made some disclosure statement with regard to the slaughtering of cows at one place but its evidentiary value to be seen during the course of trial and arguments because in pursuance of disclosure statement nothing has been recovered.

3. Taking into consideration the fact that the petitioner has joined the investigation and investigation is still in progress, this Court is of the considered view that case is made out for exercising the discretion under Section 438

Cr.P.C. Accordingly, petition is allowed and order dated 08.09.2016 is made

absolute and shall enure during the pendency of trial but subject to the following conditions provided under Section 438 (2) Cr.P.C:-

- (i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;*
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioners shall not leave India without the previous permission of the Court.*

December 08, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*