

CRM-M-34225-2016

Date of decision: November 17, 2016

Samim

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Ms. Harpreet Kaur, DAG, Haryana
for the respondent-State.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition has been preferred under Section 438 of the Code of Criminal Procedure, petitioner has sought pre-arrest bail, in case bearing FIR No.196, dated 31.08.2016, under Sections 5/13(2) The Haryana Gauvansh Sanrakshan and Gausamvardhan Act 2015, registered at Police Station Ferozepur Jhirka, District Mewat, Haryana.

At the time of issuance of notice of motion vide order dated September 26, 2016, the following order was passed:-

“Inter-alia, it has been contended by learned counsel for the petitioner that the instant FIR has been registered on the basis of a secret information against the petitioner & his co-accused, who are alleged to have fled away from the spot. In fact, the petitioner has no concern with the alleged cows and he is being falsely implicated in the instant case.

Notice of motion for 17.11.2016.

In the meanwhile, petitioner is directed to join the investigation within seven days from the date of certified copy of this order. In the event of arrest, petitioner shall be released on interim bail at the satisfaction of the Arresting Officer / Investigating Officer subject to the conditions

envisaged under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from HC Rakesh Kumar, has submitted that petitioner has already joined the investigation in compliance of the order dated September 26, 2016 and he is no more required for further interrogation/investigation.

In view of the aforesaid facts, order dated September 26, 2016 is made absolute, subject to the following conditions, as envisaged under section 438(2) Cr.P.C:

- 1) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- 2) that the petitioner 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;*
- 3) that the petitioner shall not leave India without the previous permission of the Court.*

November 17, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No