

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No.M-7681 of 2016 (O&M)
Date of Decision : 26.05.2016**

Rashid ... Petitioner

Versus

State of Haryana ... Respondent

**2. CRM No.M-8751 of 2016 (O&M)
Date of Decision : 26.05.2016**

Shokeen ... Petitioner

Versus

State of Haryana ... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rakesh Gupta, Advocate for
Mr. Arjun Atri, Advocate for the petitioner(s).

Mr. Vivek Saini, DAG, Haryana.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM No.M-7681 of 2016 titled as Rashid Vs. State of Haryana and CRM No.M-8751 of 2016 titled as Shokeen Vs. State of Haryana as both these connected petitions have been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners herein arise out of the same FIR i.e. FIR No.6 dated 12.01.2016, under Sections 5/13(2) of the Haryana Gausvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Nagina, District Mewat.

On 03.03.2016, while issuing notice of motion, the following order was passed by this Court in CRM No.M-7681 of 2016:

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.06 dated 12.01.2016 under Sections 5/13(2) of the Haryana Gausvansh Sanrakshan and Gausamvardhan Act 2015, registered at Police Station

Nagina, District Mewat, Haryana.

Counsel would submit that FIR was registered on the basis of secret information that the present petitioner along with Shokin were involved in cow slaughtering and were taking cows from Haryana to Rajasthan for such purpose. A raiding party was constituted based on such secret information and as per prosecution version, two boys were seen transporting some cows and who managed to escape from the spot. The present petitioner is sought to be implicated on the basis that the secret informant has identified him.

Notice of motion, returnable for 26.05.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Likewise, on 14.03.2016, notice of motion order was passed in CRM No.M-8751 of 2016, which reads in the following terms:

“Counsel would place reliance upon an order dated 3.3.2016, passed by this Court in CRM No. M-7681 of 2016 to contend that co-accused Rashid and against whom there were similar allegations, has been granted ad interim protection as regards arrest.

Notice of motion, returnable for 26.5.2016.

To be listed along with CRM No. M-7681 of 2016.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section

438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Pawan Kumar apprises the Court that the petitioners in these two connected petitions have since joined investigation.

Under such circumstances, custodial interrogation of the petitioners would not be warranted.

Both the petitions are allowed. Orders dated 03.03.2016 passed in CRM No.M-7681 of 2016 and 14.03.2016 passed in CRM No.M-8751 of 2016 are made absolute.

Disposed of.

26.05.2016

shubham

(TEJINDER SINGH DHINDSA)
JUDGE