

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28188 of 2017
Date of Decision: 10.10.2017

Rahish and another

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

Mr. Ashish Yadav, Addl. AG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioners in case FIR No.29 dated 20.01.2017 registered for offences punishable under Sections 13 (1) and 3 (3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, at Police Station Bahin, District Palwal.

Learned State counsel submits that petitioner no. 1-Rahish has not joined the investigation despite order dated 03.08.2017 directing him to join the investigation within two weeks. He further submits that petitioner no. 1-Rahish is required by the police in three other cases also.

Learned counsel for petitioner requests for extension of time for petitioner no. 1 to join the investigation but could not make out any reason for the same.

Keeping in view above facts, bail application qua petitioner no. 1-Rahish is dismissed for non-compliance of order dated 03.08.2017.

Learned State counsel submits that petitioner no. 2-Rashid has

joined the investigation and his custodial interrogation is no more required for further investigation of the matter.

In view of above but without expressing any opinion on the merits of the case, this petition is allowed qua petitioner no. 2-Rashid and order dated 03.08.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

October 10, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No