

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-41899-2016
Date of decision-18.01.2017**

Shokeen

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Mr. Neeraj Poswal, AAG, Haryana assisted by
HC Rajvir Singh.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.468 dated 10.09.2016, registered under Sections 5, 13 (2) and 17 of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 at Police Station Nuh, District Mewat, Haryana.

On 23.11.2016, this Court had passed the following order:-

“Contends that the petitioner was not arrested from the spot.

Notice of motion for 18.01.2017.

At the asking of the Court, Mr. Luvinder Sofat, AAG, Punjab, accepts notice. A complete copy of the paper book has been handed over to learned State counsel, in the Court.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

1. That he shall make himself available for interrogation by a police officer as and when required;

2. That he 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 and;

3. That he shall not leave India without prior permission of the Court.”

It is contended that in pursuance of the order dated 23.11.2016, the petitioner has joined the investigation. Learned counsel further contends that the petitioner being the member of the minority community, earlier also has been falsely implicated in two similar FIRs, though he was not arrested from the spot.

On the other hand, learned State counsel, submits that the petitioner was allegedly carrying an axe with him which is yet to be recovered from him.

In view of the above, without expressing any opinion on the merits of the case, and considering the fact that the petitioner was not arrested from the spot; he has joined investigation and there is no reference as to why the axe stated to be not recovered was kept by the petitioner, the interim bail granted by this Court vide order dated 23.11.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

(JITENDRA CHAUHAN)
JUDGE

January 18, 2017

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No