

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

**CRM No.M-46489 of 2016 (O&M)
Date of Decision: 18.04.2017**

Aashu

... Petitioner

Versus

State of Haryana

... Respondent

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

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

Mr. C.S. Bakshi, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.501, dated 22.09.2016, under Sections 13/2 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Nuh, District Mewat.

While granting ad interim protection to the petitioner as regards arrest on 23.01.2017, the following order was passed by this Court:

“The instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.501, dated 22.09.2016, under Sections 13/2 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Nuh, District Mewat.

It is the contention made by counsel appearing for the petitioner that it is only upon receiving secret information that the present petitioner is sought to be implicated in a case pertaining to allegations of cow slaughtering. Further contended that upon the raid having been conducted in a residential premises, it is only

the secret informant, who had allegedly identified the petitioner. As per counsel, it is a clear case of false implication.

On a query having been put to the learned State counsel, who is on instructions from ASI Rajpal, it stands conceded that the residential premises, where the raid was conducted does not even belong to the present petitioner and rather it is in the ownership of co-accused/non-applicant, Sahid S/o Bashir.

List on 18.04.2017.

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. ”

Learned State counsel upon instructions from HC Devinder Singh apprises the Court that the petitioner has since joined investigation. That apart, the observations contained in the order dated 23.01.2017 have gone un rebutted.

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

Prayer is allowed. Order dated 23.01.2017 passed by this Court is made absolute.

Disposed of.

18.04.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |