

CRM-M-32053-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32053-2018

Date of Decision:13.08.2018

Asgar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Mr. Sukhdeep Parmar, DAG, Haryana.

INDERJIT SINGH, J. (Oral)

Petitioner-Asgar has filed this second petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.119 dated 02.05.2017, registered at Police Station Bahin, District Palwal, under Sections 3, 11, 13(1) and 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Sections 429 and 120-B of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

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The petitioner has already joined the investigation in the earlier petition which was dismissed for non-prosecution. Now, he has filed the fresh petition for anticipatory bail. As per the prosecution version, the present FIR has been registered on the basis of secret information that the petitioner alongwith co-accused was carrying 5 bullocks, 6 calves and 12 cows in a vehicle. As per the prosecution version, the present petitioner fled away from the spot. Recovery has already been effected in the present case.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that the petitioner is now not required for custodial interrogation and, therefore, no useful purpose will be served by sending him to custody. Finding merit in the present petition, the same is allowed. It is ordered that in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

13.08.2018

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No