

S.No.214

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

CRM-M-734 of 2019 (O&M)

Date of Decision:20.05.2019

Islam @ PappuPetitioner
Vs.

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sumit Gupta, Advocate for the petitioner.
Mr. Vikas Malik, DAG, Haryana.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.178 dated 21.06.2018 registered under Section 13(2) HGS & GS Act, 2015 at Police Station Hathin, District Palwal.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the Police, the Police had gone to the spot with the informant and found only two cows tethered there. The petitioner was not present on the spot. However, the Police have alleged that the petitioner had run away from the spot. But the Police have been concocting the same story against the petitioner repeatedly. Earlier also, the petitioner was involved in similar cases; with same story. However, the petitioner stands acquitted in those cases. Still further, it is contended that since the cows have already been recovered by the Police, therefore, nothing is to be recovered from the petitioner. He will join the investigation as and when required by the Police.

On the other hand, learned State Counsel submits that the petitioner is habitual of offences alleged in the FIR. However, it is not disputed by the State Counsel that the petitioner has already been acquitted in similar cases. It is also not disputed that the Police have already recovered the cows.

In view of the above submission, however, without commenting upon merits of the case any further, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail by the Investigating Officer subject to his furnishing bail bonds/ surety bonds to the satisfaction of Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

May 20, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No