

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

**CRM-M No.7917 of 2019 (O&M)
Date of Decision : 21.05.2019**

Abdul Hakim

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.743 dated 31.10.2018 registered under Section 13(2) and 17 of Haryana Gauvansh Sarankashan & Gausamvardhan Act, 2015 and 11/59/60 of Prevention of Cruelty to Animals Act, 1960 and 120-B of IPC at Police Station Nuh.

On 11.03.2019 the following order was passed:-

“CRM No.8395 of 2019

This application is for placing on record Annexure P-4.

Application is allowed and Annexure P-4 annexed with the application is taken on record.

CRM-M No.7917 of 2019

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas neither his name was mentioned in the FIR nor any specific role has been attributed to him. He was not apprehended at the

place of occurrence. Recovery has already been effected. He is ready to join investigation.

Notice of motion for 23.04.2019.

Meanwhile, in the event of arrest, the petitioner shall be released on interim bail to the satisfaction of the arresting officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i) that the petitioner shall make himself available for interrogation before Investigating Officer 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 case 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.”

Today learned State counsel has accepted that the petitioner was not arrested at the spot but states that his name is rightly mentioned because he is also known as *Munni*.

Be that as it may, once it is accepted that the petitioner was not arrested from the spot and that he has joined the investigation and there is no allegation that he is not co-operating with the Investigating Officer, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 11.03.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

21.05.2019

pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No