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Date of Decision : 10.4.2019

CRM-M-9417-2019

..... Petitioner

Versus

..... Respondent

CRM-M-14712-2019

..... Petitioner

Versus

..... Respondent

Present : Ms. Rosi, Advocate
for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This common order shall disposed of both the abovementioned two petitions as the facts involved therein are same.

These two petitions have been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.101 dated 30.1.2019 registered under Sections 3/13 (1), 8/13(3) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 registered at Police Station Nuh, District Nuh.

On 7.3.2019 the following order was passed in CRM-M-9417-2019 :-

“As per allegations, the police had received a secret information that the petitioner along with his wife and son were regularly indulging in the business of cow slaughter and selling of cow beef and even on that day, they were slaughtering a cow in their courtyard. A raid was conducted where the petitioner along with his co-accused managed to flee away but 80 kgs of beef was recovered.

Counsel for the petitioner has argued that even till date there is no confirmation that the alleged recovery is of cow beef.

Learned DAG Haryana has accepted that the FSL report has yet not been received.

In these circumstances, I deem it appropriate to grant interim bail to the petitioner till the receipt of the FSL report. Let the petitioner appear before the IO on 11.3.2019 or on any other day on which the Investigating Officer requires his presence, and in the event of his arrest, the petitioner shall be released on interim anticipatory bail by the Investigating Officer to his satisfaction Adjourned to 10.4.2019 to await the report.”

On 1.4.2019 the following order was passed in CRM-M-14712-2019 :-

“Counsel states that the co-accused was granted interim bail by order dated 07.03.2019 passed in CRM-M No.9417 of 2019 which has now been fixed for 10.04.2019.

Notice of motion.

On the asking of the Court, Mr. Gaurav Bansal, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent- State.

Counsel for the petitioner undertakes to supply a copy of the paper book to the learned AAG during the course of the day.

Adjourned to 10.04.2019.

In the meantime, interim order in the same terms as CRM-M No.9417 of 2019.”

Learned AAG states that FSL report has come as per which it has been confirmed that the seized beef was cow beef.

Counsel for the petitioners has argued that in any case the petitioners have joined the investigation and whatever alleged recovery has been made, has been made and custodial interrogation of the petitioners is not required.

Learned AAG on instructions from HC Amar Singh has accepted that investigation has been concluded and the petitioners are no more required for custodial interrogation.

In these circumstances, keeping in view the entire conspectus of facts, without going into the merits of the cases, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioners.

Petitions are allowed. Interim order dated 7.3.2019 passed in CRM-M-9417-2019 and interim dated 1.4.2019 passed in CRM-M-14712-2019 are made absolute.

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

(AJAY TEWARI)
JUDGE

10.4.2019
anuradha

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No