

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13983-2019

Date of Decision: 30.04.2019

Niyaju

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Rosi, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

...

Inderjit Singh, J. (Oral)

Petitioner Niyaju has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.29 dated 20.02.2019, registered at Police Station Rozka Meo, District Nuh, under Sections 279, 336, 353, 186, 307 and 120-B of the Indian Penal Code and Section 25 of the Arms Act, 1959 and Section 13(2) of the Haryana Gauravansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of the Prevention of Animal Cruelty Act 1960.

Notice of motion was issued.

Learned State counsel has appeared 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 have gone through the record.

The FIR in the present case has been registered on the basis of secret information in which the present petitioner is also named along with the co-accused. As per the prosecution version, they were in the canter

loaded with the cows etc. When the police party tried to chase them then they also fired upon them, but it did not hit anybody and they ran away from the spot. As per the prosecution version, the canter belongs to the real brother of the petitioner.

In pursuance of the interim order dated 03.04.2019, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Recovery has already been effected. No useful purpose would be served by sending the petitioner to custody.

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 merit in this petition and the same is allowed. The order dated 03.04.2019, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

30.04.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No