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

CRM-M-27527 of 2019

Date of decision: December 02, 2019

Munira

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Khalid, Advocate for the petitioner.

Mr. Arun Kumar, AAG Haryana.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to petitioner, in FIR No.310 dated 10.06.2019, under Sections 5/13(2) of the Haryana Gauthansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Tauru, District Nuh.

On 01.07.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that as per allegations in the FIR, there were three police officials present on the spot; thus, it would not be possible for the sole accused (petitioner) to run away and as such, the story of prosecution is highly improbable.

Notice of motion for 01.08.2019.

On the asking of the Court, Mr. Arun Beniwal, DAG,

Haryana accepts notice on behalf of the respondent/State. Copy of the petition be supplied to him during the course of the day.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

Superintendent of Police, Nuh will file an affidavit regarding the lapse(s) of all the police officials as well as necessary action in the matter.”

Affidavit of Sangeeta Kalia, Superintendent of Police, Nuh already filed in the Registry is taken on record.

Perusal of the same reveals that necessary action is being contemplated against the erring official(s).

Learned State counsel, on instructions from HC Devender Singh, has stated that in terms of order dated 01.07.2019, the petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 01.07.2019 granting interim bail to the petitioner, is made absolute, subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

Let final decision be taken against the erring official(s) at the earliest and the same be communicated to the Registry of this Court within three months from today.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

December 02, 2019

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No