

CRM-M-12802 of 2020 (O&M)
Date of Decision : 07.09.2020

Versus

(Through video conferencing)

Present: Mr. Munfaid Khan, Advocate, for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

As prayed for, application is allowed.

Petitioner is seeking anticipatory bail in FIR No.0082 dated 28.02.2020 under Sections 307, 120-B of IPC, Section 13(2) of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 11 of Prevention of Cruelty to Animals Act, 1960 and Section 25 of Arms Act, 1959 registered at Police Station Ferozepur Jhirka, District Nuh.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 08.06.2020. Order dated 08.06.2020 is as under:-

“The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No.82 dated 28.02.2020, under Sections 307, 120-B IPC, Section 13(2)

of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 11 of Prevention of Cruelty to Animals Act, 1960 and Section 25 of the Arms Act, 1959, registered at Police Station Ferozepur Jhirka, District Nuh.

Learned counsel for the petitioner argues that in the present FIR, no allegation has been made against the petitioner and the allegation of using the firearm is against Nasim, son of Khuta, resident of Village Ghasera and therefore, as there are no allegations alleged against the petitioner except for being present in the Truck, petitioner is entitled for the grant of benefit of an anticipatory bail.

Learned counsel for the petitioner states that petitioner is ready to join the investigation and to co-operate with the Investigating Agency/Officer for unearthing the truth behind the allegations alleged in the FIR.

Ms. Tanisha Peshawaria, learned Deputy Advocate General, Haryana, who has also joined the proceedings through video conference, concedes that the allegations in respect of firearm is not attributed to the petitioner but is attributable to Nasim son of Khuta, resident of Village Ghasera. Further, learned State counsel concedes that no recovery is to be effected from the petitioner, therefore, petitioner be directed to join the investigation.

I have heard learned counsel for the parties and have gone through the record carefully.

Keeping in view the facts and circumstances noted above, especially, when the allegation with regard to using of the firearm is not attributed to the petitioner and no recovery is to be effected from him and the only allegation is that he was present at the site in the truck, which was abandoned, petitioner has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions :

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he 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 the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Adjourned to 07.09.2020.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Mahesh Pal, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required.

In view of the above, the order dated 08.06.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

September 07, 2020

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No