

**203-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.13943 of 2020(O&M)
Date of Decision:14.09.2020**

JAKIR

...Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Arjun Atri, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-M-12204-2020

This is an application or grant of exemption from filing the court fee, original power of attorney and welfare stamp thereon and attested copy of affidavit.

Disposed of with a direction to the petitioner to deposit the court fee on-line forthwith. He is also directed to make good the bar council fee once the pandemic situation is over. However, he is exempted from filing the original power of attorney and attested copy of affidavit.

Main case

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No.16 dated 09.01.2019 registered under Sections 279, 336, 353, 186, 307, 120-B of Indian Penal Code, 1860 and Sections 25, 54 and 59 of Arms Act, 1959 and Sections 5 and 13(2) of the Haryana Gauvansh Sanrakshan And Gausamvardhan Act,

2015 and Sections 11, 59 and 60 of Prevention of Cruelty to Animals Act, 1960, at Police Station Ferozepur Jhirka, District Nuh.

On 07.07.2020, a co-ordinate Bench of this Court passed the following order :-

“Learned counsel for the petitioner refers to the order dated 26.06.2020 passed by this Court in CRM-M-16719-2020, whereby coaccused Shokat and Sagoon have been granted anticipatory bail.

Notice of motion.

On the asking of the Court, Ms. Dimple Jain, DAG, Haryana, accepts notice on behalf of respondent-State and seeks time to get instructions. She has not been able to dispute the aforesaid order passed in the case of Shokat and another. However, she states that despite grant of anticipatory bail, above named petitioners have not joined the investigation. Learned counsel for the petitioner states that the petitioner will join investigation as and when called.

Adjourned to 14.09.2020.

Meanwhile, the petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the following conditions, as envisaged under Section 438(2) Cr.P.C:-

(i) that the petitioner shall make himself available for interrogation by a police 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 them from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave India without the previous permission of the Court.

(iv) such other condition as may be imposed under sub section (3) of Section 437, as if the bail were granted under that section.”

Learned counsel for the petitioner states that pursuant to the order dated 07.07.2020 passed by a co-ordinate Bench of this Court, the petitioner has joined the investigation.

Learned State counsel on instructions from SI-Kanwar Pal states that the petitioner has joined the investigation and he is not required for any further investigation.

I have heard the learned counsel for the parties.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 07.07.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)

JUDGE

September 14, 2020

Jyoti-IT Whether speaking/reasoned Yes/No Whether Reportable Yes/No