

**203-4 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.14182 of 2020 (O&M)
Date of Decision:14.09.2020**

AZAD

...Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Deepak Bhardwaj, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-12453-2020

This is an application or grant of exemption from filing the court fee and welfare stamp thereon.

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.

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 05.06.2020, a co-ordinate Bench of this Court passed the following order :-

Learned counsel for the petitioner refers to the FIR (Annexure P1) and contends that the role attributed to the petitioner was that when firing was done by Rashid, present petitioner-Azad had run away from the conductor side of the vehicle along with Jamshed and Sahun. He further states that the bail applications filed by Jakir and Rashid (CRM-M-16256-2019 and CRM-M8087-2019) have since been withdrawn. Notice of motion.

At this stage, Mr. Deepak Sabharwal, Addl. A.G., Haryana, accepts notice on behalf of respondent-State and does not dispute the facts stated in the FIR.

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 05.06.2020 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 05.06.2020 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-11 Whether speaking/reasoned Yes/No Whether Reportable Yes/No