

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

CRM-M-16719-2020

Date of decision:27.10.2020

Shokat and another

...Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Munfaid Khan, Advocate for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioners seek anticipatory bail in case bearing FIR No.16 dated 09.01.2019 registered under Sections 279, 336,353,186,307 and 120-B IPC; Section 25 of the Arms Act, 1959 and Section 5 and 13(2) of the Haryana Gouvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of the Prevention of Cruelty to Animals Act, 1960 at Police Station Ferozepur Jhirka, District Nuh.

On 26.06.2020, this Court passed the following order:-

“Through this petition, the petitioners seek anticipatory bail in case FIR No.16 dated 09.01.2019, registered at Police Station Ferozepur Jhirka, District Nuh, under Sections 279, 336, 353, 186, 307 and 120-B IPC, Section 25 of the Arms Act, 1959 and Sections 5 and 13 (2) of the Haryana Gouvansh Sanrakshan and Gausamvardhan Act, 2015, and Section 11 of the Prevention of Cruelty to Animals Act, 1960.

Learned counsel for the petitioners contends that the allegation against petitioner No.1 is that he was a pillion rider on a motor-cycle, which was being driven in front of Bolero and container truck, whereas allegation against

petitioner No.2 is that he alighted from the conductor side of container in which cows were loaded.

The star argument of learned counsel for the petitioners is that co-accused, Azad has been granted *ad interim* pre-arrest bail by this Court vide order dated 05.06.2020 (Anneuxre P-2) passed in CRM-M-14182-2020 and that petition is fixed for 14.09.2020.

Notice of motion.

On the asking of this Court, Mr. Manish Bansal, DAG, Haryana, accepts notice on behalf of the respondent-State. He submits that though co-accused, Azad has been granted *ad interim* pre-arrest bail, yet the allegations are serious in nature to the effect that on the basis of secret information, the truck escorted by petitioner No.1 was stopped and the recovery was effected.

In view of the arguments advanced by the learned counsel for the parties, this Court finds that the petitioner is entitled to ad interim pre-arrest bail on the ground of parity.

Adjourned to 14.09.2020.

Learned State counsel is directed to file the status report/reply on the date fixed.

Meanwhile, the petitioners are directed to join the investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) Cr.P.C.”

Learned counsel for the petitioners submits that pursuant to the order dated 26.06.2020 passed by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from H.C. Satish Kumar, submits that the petitioners have joined the investigation and are now not required for any further investigation.

In view of the above, without commenting on the merits of the

case, the present petition is allowed and the order dated 26.06.2020 granting interim bail to the petitioners, is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

27.10.2020
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No