

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23769 of 2020
Date of Decision : 03.11.2020

Akhtar

...Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Ms. Safia Gupta, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.311 dated 16.06.2020 under Section 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 registered at Police Station Camp Palwal, District Palwal.

Learned counsel appearing for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 21.08.2020. Order dated 21.08.2020 is as under:-

“CRM-20461-2020

Application is allowed, as prayed for.

CRM-M-23769-2020

Present petition has been filed under
Section 438 of the Cr.P.C. for the grant of anticipatory

bail to the petitioner in respect of FIR No. 311 dated 16.06.2020, under Section 13(2) of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act and Sections 11-59-60 of Prevention of Cruelty to Animals Act, 1960, registered at Police Station Camp Palwal District Palwal.

Learned counsel for the petitioner states that petitioner was not named in the FIR and no recovery has been done from him. Learned counsel further submits that the petitioner has been arrayed in the present FIR on the basis of the secret information. Learned counsel for the petitioner further submits that once the petitioner was not named in the FIR and was not arrested from the spot and the secret information is yet to be verified and proved, the petitioner may kindly be granted the benefit of anticipatory bail as the petitioner is ready to join and co-operate in the investigation.

Notice of motion.

Ms. Safia Gupta, learned Assistant Advocate General, Haryana, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel states that there is another case registered against the petitioner of the similar nature and therefore, petitioner be not granted the benefit of anticipatory bail.

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

Once, the petitioner is not arrested from the spot and no recovery was effected from him and he has only been roped in on the basis of secret information, the 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 themselves 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 03.11.2020.

It is, however, made clear that after the petitioner joins the investigation, in case any incriminating material comes against the petitioner, the respondent-

State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

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

In view of the above, the order dated 21.08.2020 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.

November 03, 2020
aarti/naresh k.

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No