

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

202)

CRM-M-24467 of 2020

Date of Decision: 09.11.2020

Hasin

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr. Munfaid Khan, Advocate, for the petitioner.  
Mr. B.S. Virk, DAG, Haryana

**Amol Rattan Singh, J. (Oral)**

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

On September 29, 2020, the following order had been passed:

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.217, dated 30.07.2020, having been registered at Police Station Tauru, District Nuh, alleging therein the commission of offences punishable under Sections 3/13(1), 5/13(2) and 8/13(3) of the Haryana Gausamvardhan and Sanrakshan Act, 2015.

Learned counsel for the petitioner submits that the petitioner has only been implicated on the basis of secret information allegedly received, with actually it being a false implication.

He submits that as a matter of fact the informer is in all probability a person from his village, who has a personal grudge against the petitioner.

Without making any comment on that contention but with it obvious from the the FIR that no independent witness was joined when, as alleged, slaughtered beef was recovered from a particular place, and with the petitioner obviously not present at the spot, which is why he is seeking anticipatory bail, and no instructions having been received by the learned State counsel to the effect that any proceedings under sub section (8) of Section 100 of the Cr.P.C. were initiated against any person who refused to become a witness to the recovery, the petitioner is directed to join investigation within one week and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court.

Adjourned to 09.11.2020.”

Today, learned State counsel, on instructions, submits that the petitioner in this petition has joined investigation and presently at least his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioner, this petition has in fact been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at

any stage hereinafter, in the context of the FIR in question, he would be given 7 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he/she would be always at liberty to avail of his/her remedy as per law.

09.11.2020  
vcgarg

**(AMOL RATTAN SINGH)**  
**JUDGE**

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