

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 218

CRM-M-26095-2020

Date of decision : 21.12.2020

Islam

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Saleem Ahmed, Advocate, for the petitioner.

Mr.Ashok Kumar Sehrawat, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.31 dated 19.02.2020, registered under Sections 5/13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (for short, the Act) at Police Station Bichhor, District Nuh.

Briefly stated, the case of the prosecution is that on receipt of a secret information the police caught two persons coming on two carts with five bulls who on being stopped absconded. The police recovered the aforesaid cattle as also a knife and axe etc. from the spot and on the basis of such event the FIR in question was registered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; even if the allegations in the FIR are taken as gospel truth, though vehemently denied, no case is made out against the petitioner; the only allegation against the petitioner is that he absconded when he was seen with cattle and when the police stopped him, on the alleged recovery of cattle, knife and axe from the spot the prosecution is presuming commission of an offence of cow slaughtering etc; no further recovery is to be made from the petitioner and that

under the interim orders passed by this Court he has not only joined the investigation but has also fully cooperated with the investigating agency.

Learned State counsel admits to the fact that the petitioner has joined the investigation; fully cooperated with the investigating agency and that no recovery is to be effected from him but opposes the grant of bail to him on the ground that two other cases of similar nature are pending against him.

After considering the above arguments raised on behalf of the petitioner it would be debated during the petitioner's trial as to whether a case is made out against him under Sections 5 and 13(2) of the Act and therefore for this reason as also that the petitioner has shown his bonafide by joining the investigation, this Court is of the opinion that the petitioner's custodial interrogation is not necessary. Resultantly, the order of this Court dated 04.09.2020, granting ad interim anticipatory bail to the petitioner is made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

21.12.2020

shamsher

Whether speaking/reasoned
Whether reportable

:
:

Yes / No
Yes / No

[DEEPAK SIBAL]

JUDGE