

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49386-2019
Date of Decision: 05.03.2020

Mashoor Deen and another

... Petitioners

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rakesh Sobti, Advocate for the petitioners.

Ms. Sakshi Bakshi, AAG Punjab assisted by
ASI Gurdarshan Singh.

* * *

VIVEK PURI, J. (ORAL)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.28 dated 01.02.2019, under Sections 3 & 8 of Punjab Prohibition of Cow Slaughter Act, 1955 registered at Police Station Gate Hakima, Police Commissionerate, Amritsar.

On 21.11.2019 following order was passed:

“Learned counsel for petitioners submits that the petitioners were not identified at the spot and they were nominated on the disclosure statement of co-accused Sanjay son of Sham Lal. They are ready to join the investigation and cooperate with police in the matter.

Notice of motion for 5.3.2020.

Petitioners are directed to surrender before the police and join investigation within two weeks. In the event of their arrest being required, they shall be released on interim bail till the next date, subject to their furnishing

bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them. ”

It has been stated by learned counsel for the petitioners that the petitioners have joined the investigation in pursuance of the interim directions issued by this Court and nothing has to be recovered from them. They are no more required for the purpose of investigation.

Learned State counsel, on instructions from ASI Gurdarshan Singh, has not disputed the factual position of the case and conceded that custodial interrogation of the petitioners is no more required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioners. The order dated 21.11.2019 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

05.03.2020
Janki

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