

210-II

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5182-2021

Date of Decision: 14.09.2021

ASGAR

..... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Talim Hussain, Advocate,
for the petitioner.

Mr. Sukhdeep Singh Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.266 dated 12.12.2020, under Section 13(2) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Pinangwan District Nuh. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 17.03.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Learned counsel for the petitioner submits that there is no evidence against the petitioner and he is being named solely on the basis of secret information. As per the FIR, the secret informer has identified the petitioner

while the petitioner was fleeing away from the spot. The petitioner has neither been convicted in any case nor any other case of similar nature is pending against him.

Notice of motion for 26.05.2021.

In the meantime, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Sukhbir Singh does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 17.03.2021 is made absolute.

14.09.2021

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(MANOJ BAJAJ)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No