

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-4124 of 2020 (O&M)

Date of Decision : 03.09.2021

Desh Raj

..Petitioner

Versus

State of Haryana

...Respondent

(Through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Ms. Pratibha Yadav, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

CRM-3560 of 2020

As prayed for, application is allowed.

CRM-M-4124 of 2020

Petitioner is seeking anticipatory bail in FIR No.271 dated 10.09.2019 registered under Sections 279, 336 IPC and Sections 5, 13(2) and 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 at Police Station Kasola, District Rewari.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a Coordinate Bench of this Court on 30.01.2020. Order dated 30.01.2020 is as under:-

“It is contended that from the mere allegations in

the FIR, no offence under Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 is disclosed, since there is nothing to show that the cows and bulls were being taken for the purpose of slaughter and further, the petitioner is ready and willing to join the investigation and the vehicle in question had been given on rent to Mukesh son of Bhadur @ Pappu.

Notice of motion for 31.03.2020.

The petitioner is directed to join the investigation by contacting the Investigating Officer within 05 days from today and render all sort of cooperation. The petitioner is to surrender his passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard. If, in the meanwhile, he is arrested, he be released on bail to the satisfaction of the Investigating Officer/Arresting Officer.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from, HC Joginder Singh states that in terms of the order of this Court reproduced before, though, the petitioner has joined the investigation but, he has not surrendered his passport and has not furnished any affidavit in terms of order dated 30.01.2020 of this Court.

Learned counsel for the petitioner submits that the petitioner does not have any passport and the affidavit to the said effect will be submitted before the police authorities within a period of seven days from today.

Keeping in view the fact that the petitioner has joined the investigations and has undertaken before this Court that he will submit an

affidavit that he does not have any passport before the authorities concerned within a period of seven days from today, order dated 30.01.2020, 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.

September 03, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No