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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-6283-2020
Date of decision-16.09.2021**

NAUSHAD AND ANR**...Petitioners**

Vs.

STATE OF HARYANA**...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Inderjeet Singh, Advocate
for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, 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.266 dated 27.12.2016 under Sections 148, 149, 186, 307, 332, 353, 379, 427, 506 and 325 (added later on) Indian Penal Code 1860, Sections 29, 32 and 33 Indian Forest Act, 1927 & Sections 27, 29 and 35(5) (added later on) Wild Animals Preservation Act, 1972, registered at Police Station Chhachhrauli District Yamuna Nagar. The petitioners apprehended their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 13.02.2020, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“The petitioners have filed this petition under

Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.266 dated 27.12.2016 registered under Sections 148, 149, 186, 307, 332, 353, 379, 427 and 506 of the Indian Penal Code, 1860 at Police Station Chhachhrauli, District Yamuna Nagar to which Section 325 of the IPC, Sections 29, 32 and 33 of the Indian Forest Act, 1927 and Sections 27, 29 and 35(5) of the Wild Animals Preservation Act, 1972 were added later on.

Learned Counsel for the petitioner has submitted that the petitioners could not appear on the date of hearing due to disruption of transport services caused by agitation against the Citizenship Amendment Act and their absence was due to reasons beyond their control and was not deliberate and intentional. Their similarly situated co-accused have already been granted interim anticipatory bail by this Court vide order dated 29.01.2020 passed in CRM-M-3780-2020.

Notice of motion.

On the asking of the Court, Mr. Arjun Singh Yadav, Asstt. A.G., Haryana accepts notice on behalf of respondent-State. Copy of the paper book has been supplied to learned State Counsel, who seeks time to complete his instructions.

Adjourned to 23.04.2020.

In the meanwhile, the petitioners are directed to appear before the trial Court within ten days from today and on such appearance they shall be released on interim bail on furnishing of bail bonds by them to the satisfaction of the trial Court. Interim bail is granted to them subject to the condition that the petitioners shall also pay expenses, as assessed by the trial Court, to the witnesses who were present on that date of hearing and could not be examined due to their absence.”

Learned counsel for the petitioners states that pursuant to the order dated 13.02.2020, the petitioners submitted themselves before the trial Court, who were admitted on interim regular bail.

Learned State counsel does not dispute this fact that the petitioners submitted themselves within time and were admitted on bail. He on instructions from SI Gian Singh further states that the charges have also been framed and case is pending for 22.09.2021 for prosecution evidence.

Considering the above, the petition is allowed and it is ordered that the petitioners shall remain on regular bail and on the same bail bonds/surety bonds furnished by them before the trial Court.

(MANOJ BAJAJ)
JUDGE

16.09.2021

Vipin kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No