

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12526 of 2021
Date of Decision: 10.08.2021

IsufPetitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

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

Mr. Bhupender Singh, DAG, Haryana.

(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court).

ARUN PALLI, J. (Oral):

Vide this petition under Section 438 of the Code of Criminal Procedure, the petitioner prays for an anticipatory bail in FIR No. 0183, dated 07.10.2020 under Sections 3/13(1), 8/13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 11-59-60 of Prevention of Cruelty to Animals Act, 1960, and Section 511 of the Indian Penal Code, 1860, registered at Police Station Bichhor, District Nuh.

Upon hearing the learned counsel for the petitioner, this Court, vide order dated 23.3.2021, had granted ad interim bail to the petitioner:-

“Petitioner (Isuf), prays for an anticipatory bail under Section 438 of the Code of Criminal Procedure, in FIR No. 0183, dated 07.10.2020 under Sections 3/13(1), 8/13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 11-59-60 of Prevention of Cruelty to Animals Act,

1960, and Section 511 of the Indian Penal Code, 1860, registered at Police Station Bichhor, District Nuh.

As per the prosecution version, on the basis of a secret information, police raided the place where the petitioner, along with other co-accused, had allegedly tied up the livestock for being slaughtered. However, upon seeing the police vehicle, all the accused succeeded to flee from the spot. But, the police recovered four livestock, two knives, one axe and a rope from the scene of occurrence.

Learned counsel for the petitioner submits that implication of the petitioner is apparently false. Contrary to the prosecution version, he submits that there exists nothing to indicate that petitioner is involved in the business of cow slaughtering, and is rather an agriculturist by profession. Further, the petitioner was not apprehended at the spot and no recovery was caused from him either. Even the custodial interrogation of the petitioner is not required, for the recovery has purportedly been caused by the police.

Notice of motion.

Mr. Manish Bansal, DAG, Haryana, accepts notice on behalf of the State.

Although, the factual position, as narrated above, is not disputed by the learned State counsel, but he submits that petitioner is specifically named in the FIR. He prays for a short accommodation to argue the matter.

Adjourned to 10.8.2021.

In the meanwhile, in the event of arrest, the petitioner shall be released on bail subject to furnishing personal bonds and surety bonds to the

*satisfaction of Arresting/Investigating Officer.
However, the petitioner shall join the investigation as
and when required and shall also abide by the
conditions as envisaged under Section 438 (2) Cr.P.C.”*

Learned State counsel, on instructions from ASI Sukhbir Singh, submits that the petitioner has since joined the investigation, pursuant to order dated 23.3.2021 (*ibid*), and is no longer required for any custodial interrogation.

In the wake of the above, the order dated 23.03.2021 is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. and shall join the investigation as and when called upon to do so.

The petition is accordingly disposed of.

(ARUN PALLI)
JUDGE

10.08.2021

AK Sharma

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