

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10081-2020
Date of decision: 17.08.2021

Faruk and Another **...Petitioners**

Versus

State of Haryana **...Respondent**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sarfraz Hussain, Advocate
for the petitioners.

Mr. Chetan Sharma, AAG, Haryana.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 334 dated 26.06.2016, registered under Sections 3, 5 and 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 at Police Station Hodal, District Palwal, Haryana.

The operative part of the order dated 06.03.2020, vide which the petitioner has been granted interim bail, is reproduced below:

“The petitioners have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.334 dated 26.06.2016 registered under Sections 3, 5 and 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 at Police Station Hodal, District Palwal.

The above said FIR was registered on ruqa (note) sent by ASI Abdul Rajak, CIS Staff Hodal that on receipt of secret information regarding loading of cows in TATA 407 in Hodal Sabji Mandi for cow slaughter by Dilshad,

Saleem, Kala, Talib and Kanna. He along with accompanying police officials reached there and found them loading a cow in TATA 407 but on seeing the police party they fled from the spot.

Learned counsel for the petitioners has submitted that the petitioners were not named in the FIR and have been falsely implicated in the case. The police is implicating petitioner No.1 by saying that he is also known by the name of Kanna and petitioner No.2 has been implicated on the basis of disclosure statement of co-accused. The petitioners are ready to join the investigation and their custodial interrogation is not necessary in the case.

Notice of motion.

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

Adjourned to 27.05.2020.

In the meanwhile, the petitioners are directed to join the investigation within fifteen days from the date of passing of this order. In the event of their arrest, the petitioners shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which they shall not be entitled to the benefit of protection of interim bail allowed to them.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 06.03.2020, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from HC Bhim Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 06.03.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

17.08.2021
Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No