

In virtual Court

CRM-M-19012-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19012-2021 (O&M)
Date of decision: 17.05.2021

Anu Khan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Himanshu Rao, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.10 dated 09.01.2020 under Sections 5, 13(2), 17 of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Kasola, District Rewari.

Learned counsel for the petitioner submits that the FIR was registered with the allegations that an information was received by the police that near Panchayat Bhawan of Village Majra Gurdas, some persons are trying

to transport oxes. On receiving the information, the police reached there and noticed that two occupants of the van fled away from the spot, taking advantage of the darkness. From the pick-up van, four bulls tied with the ropes were recovered and the same were seized. It is further submitted that the petitioner was nominated later on the basis of disclosure statement of co-accused Rinku, who was arrested by the police and it will be a matter of trial whether such disclosure is admissible in evidence. It is also submitted that the petitioner was involved in one more case under Section 376 IPC and Section 6 of POCSO Act in Rajasthan, in which he has already been acquitted on 26.08.2019 by the designated Court at Alwar and apart from that, there is no other case pending against him.

Notice of motion.

On asking of the Court, Mr. Vishal Kashyap, AAG, Haryana accepts notice on behalf of the respondent-State. He could not dispute the fact that the petitioner was not named in the secret information and his name surfaced in the disclosure statement of co-accused Rinku, however, it is submitted that the petitioner is evading his arrest since long. It is also not disputed that the petitioner stands acquitted in the aforesaid FIR.

After hearing learned counsel for the parties and going through the facts and circumstances of the case, this petition is allowed and the petitioner is granted anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

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However, it will be open for the Investigating Officer to call the petitioner for joining him in the investigation, by issuing an advance notice in writing.

[ARVIND SINGH SANGWAN]
JUDGE

17.05.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No