

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM-M-38745 of 2021
Date of Decision : 21.12.2021

Javed @ Jabba

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Gaurav Bansal, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 42 dated 16.03.2021 registered under Sections 5/13(2) and 17 of Haryana Gauvansh Sanrakshan and Gausamyardhan Act, 2015, Sections 11, 59, 60 of the Prevention of Cruelty to Animals Act, 1960 and Sections 120-B, 420, 467, 468 and 471 of the Indian Penal Code 1860 at Police Station Rojka Meo, District Nuh, Haryana.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 29.10.2021. Order dated 29.10.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.42 dated 16.03.2021 registered under Sections 5/13(2) and 17 of Haryana Gauvansh Sanrakshan and Gausamyardhan Act, 2015, Sections 11, 59, 60 of the Prevention of Cruelty to Animals Act, 1960 and Sections 120-B, 420, 467, 468

and 471 of the Indian Penal Code, 1860 at Police Station Rojka Meo, District Nuh, Haryana.

Learned counsel for the petitioner submits that the allegations alleged against the petitioner in the FIR, are, prima facie, false for the reason that no explanation has come forward that how the petitioner managed to escape from the site when the raid was conducted on the basis of the secret information. Learned counsel for the petitioner further submits that nothing is to be recovered from the petitioner as of now as allegedly, everything has already been recovered from the site. Learned counsel for the petitioner further submits that co-accused of the petitioner namely Sakir, against whom also the similar allegations have been alleged, has already been extended the benefit of bail by a Coordinate Bench of this Court while deciding CRM-M-23778-2021 on 19.07.2021.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that the petitioner is a habitual offender and there are also other cases involving the same allegations and therefore, the benefit of anticipatory bail may kindly be declined. Learned counsel for the respondent-State though concedes that the allegations against the petitioner and the co-accused Sakir are identical, who has already been extended the benefit of anticipatory bail except that the petitioner was allegedly driving the vehicle.

I have heard learned counsel for the parties and have gone through the record with their able

assistance.

Keeping in view the fact that co-accused of the petitioner namely Sakir, against whom the allegations alleged are similar in nature as alleged against the petitioner, has already been extended the concession of anticipatory bail and nothing is to be recovered from the petitioner and the petitioner has already undertaken before this Court to join the investigation and cooperate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 21.12.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in

case, the same is needed.”

Learned State counsel, on instructions from HC Kamal, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 29.10.2021 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.

21.12.2021
monika

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*
Whether reportable? *Yes/No*