

203

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

CRM-M-37030-2021 (O&M)
Date of decision : 24.11.2021

Mushtak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Khalid, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.207 dated 14.06.2021 registered under Sections 13(1), 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 120-B of the Indian Penal Code, 1860 at Police Station Bilaspur, District Gurugram.

On 08.09.2021, this Court had passed the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.207 dated 14.06.2021 registered under Sections 13(1), 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 120-B of the Indian Penal Code, 1860 at Police Station Bilaspur, District Gurugram.

Learned counsel for the petitioner inter alia contends

that as per the prosecution case, the petitioner was not apprehended at the spot and he is only sought to be involved on the basis of disclosure statement made by one Ali Mohammad who was apprehended. It is argued that it is impossible to believe that the petitioner would have run away from the spot in spite of the presence of the police officials and the complainant and his members. It is further submitted that the petitioner has no connection with the alleged offence and has never been involved in any criminal case and no recovery is to be effected from the petitioner inasmuch as the vehicle in question as well as cows/calves/bull have already been rescued. It is argued that the offence is triable by the Magistrate.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana appears and accepts notice on behalf of State of Haryana and seeks time to get instructions.

Adjourned to 24.11.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order, the petitioner has joined the investigation and had met ASI Azad Singh on 23.11.2021.

Learned counsel for the State has opposed the present petition for grant of anticipatory bail to the petitioner.

Keeping in view the facts as noticed in the abovesaid order dated

08.09.2021, moreso the fact that the petitioner has not been apprehended at the spot and has never been involved in any criminal case and no recovery has been effected from the petitioner and the cows/calves/bulls have already been rescued and also the fact that the petitioner, as per the statement of learned counsel for the petitioner, has joined the investigation, the interim order dated 08.09.2021 is ordered to be made absolute.

Accordingly, the present petition is allowed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

24.11.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No