

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210)

CRM No. M-44409 of 2021(O&M)

Date of Decision : 06.12.2021

Sakeel

....Petitioner

Versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Rosi, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

CRM-35480-2021

Application is allowed, as prayed for.

CRM-M-44409 of 2021

The petitioner is seeking anticipatory bail in FIR No. 407 dated 23.09.2021 registered under Sections 3/13(1) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 at Police Station Sadar Nuh District Nuh.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 26.10.2021. Order dated 26.10.2021 is as under:-

“The 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.407 dated 23.09.2021 registered under Sections 3/13(1) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 at Police Station Sadar Nuh District Nuh.

Learned counsel for the petitioner argues that on the face of it, the allegations which have been recorded in the FIR are false. Learned counsel for the petitioner further argues that if a raid was conducted on the basis of secret information and the petitioner was alleged to have been present at the bus stand, nothing has come on record, as to how the petitioner managed to escape from the site. Learned counsel for the petitioner submits that in fact the petitioner has falsely been implicated in the present case and as nothing is to be recovered from the petitioner and he is ready to join and cooperate in investigating, the petitioner be granted the benefit of anticipatory bail.

Notice of motion for 06.12.2021.

Mr. Karan Garg, AAG, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel concedes that though, the raid was conducted on the basis of a secret information but, the petitioner managed to escape after noticing the police party. Learned State counsel further concedes that 25 kg beef has already been recovered from the site but submits that custodial interrogation of the petitioner is necessary to elicit the information regarding the source of the said recovery.

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

Keeping in view the facts and circumstances narrated hereinbefore as nothing is to be recovered and only information regarding the source of beef recovered from the site is to be elicited, the purpose of investigation will be achieved, in case the petitioner is directed to join and cooperate in investigation.

The 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 the satisfaction of the Arresting Officer/Investigating Officer 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.”*

Learned State counsel on instructions from HC Rajesh Kumar 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 26.10.2021 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.

December 06, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No