

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM-M No.44883 of 2021
Date of Decision : 15.12.2021

Kallu

....Petitioner

Versus

State of Haryana

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.147 dated 28.09.2021 under Sections 3/13(1), 8/13(3) and 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 registered at Police Station Bichhor, District Nuh.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by the Coordinate Bench of this Court dated 28.10.2021. Order dated 28.10.2021 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.147 dated 28.09.2021, registered under Sections 3/13(1), 8/13(3) and 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, at Police Station Bichhor, District Nuh.

Learned counsel for the petitioner argues that it is highly improbable that once the premises of the petitioner was raided on the basis of a secret information, the police let the petitioner to run away. Learned

counsel for the petitioner further argues that even otherwise, as of now no recovery is to be done from the petitioner for the reason that as per the allegations in the FIR, the alleged meat has already been recovered and as the petitioner is ready to join and cooperate the investigation, he be granted the concession of anticipatory bail.

Notice of motion for 15.12.2021.

Mr. Gaurav Bansal, Assistant Advocate General, 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 submits that the petitioner was named in the FIR and was also identified by the secret informer while he was running away from the spot.

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

In the present case, this Court is not opining upon the guilt or the innocence of the petitioner and the only question required to be answered by this Court is whether the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate or his custodial interrogation is necessary to elicit the truth. Keeping in view the facts and circumstances of this case, as nothing is to be recovered from the petitioner, the purpose of investigation will be achieved in case the petitioner is directed to join and cooperate in the investigation.

Hence, 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, who has also joined the proceedings

through video conference, on instructions from SI Pawan Kumar states

that in terms of the order of the Coordinate Bench of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 28.10.2021 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 cooperating, he will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

15.12.2021
jt

(HARSIMRAN SINGH SETHI)
JUDGE

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