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

CRM-9567-2022 in/and

CRM-M-831-2022

Date of Decision:15.03.2022

Azad

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Sanyam Khetarpal, Advocate,
for the applicant/petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

CRM-9567-2022

Vide this application, the applicant seeks to place on record documentary proof regarding running of a dairy farm, which are the affidavit of Irshaad and some photographs.

Notice in the application.

Learned State counsel accepts notice at the asking of the court on behalf of the respondent State.

The application is allowed subject to all just exceptions and the aforesaid affidavit and photographs are ordered to be taken on record as Annexures P-8 and P-9, with the accompanying petition.

CRM-M-831-2022

On 11.01.2022, the following order was passed by this court:-

“Case heard *via* video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.322, dated 01.10.2021, having been

registered at Police Station Punhana, District Nuh, alleging therein the commission of offences punishable under the provisions of Sections 3/13(1) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, read with Section 511 of the IPC.

Learned counsel for the petitioner submits that the allegation against the petitioner is allegedly based on secret information received, to the effect that he alongwith his co-accused were slaughtering cows and that even as per the FIR the petitioner and his co-accused ran away at night, when 14 cows were stated to have been recovered from his premises.

He submits that the petitioner is a dairy farmer and obviously therefore live cows would be found at his place.

Notice of motion.

Mr. Neeraj Poswal, AAG, Haryana, accepts notice at the asking of the court on behalf of the respondent State and submits that, as per his instructions, there are three other criminal cases registered against the petitioner, and therefore he does not deserve the concession of anticipatory bail, with the cows also having been recovered from his premises.

Having considered the matter, in my opinion it would be proper to get a detailed affidavit filed of a gazetted officer in reply to the petition, with the petitioner to place on record firm documentary proof of him running a dairy farm, as simply on a contention raised that he is actually running one, obviously this court will not accept that at face value for the purpose of this petition.

Adjourned to 15.03.2022.

In the meanwhile, the petitioner would join investigation within one week and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned *Ilqa* Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this court.

Naturally, whether or not the interim order should continue, would be seen upon a reply being filed by a gazetted officer.

A copy of the petition be e-mailed to learned State counsel today itself by learned counsel for the petitioner.”

The petitioner is stated to have joined investigation thereafter with a reply also filed by the DSP, Punhana, dated 03.03.2022, which is ordered to be taken on record.

Learned State counsel points out from the said reply that there are three criminal cases registered against the petitioner (under a different provision other than the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015), and further, that as regards the cows recovered from the petitioner's house (as per the case of the investigating agency), the allegation in the FIR being that three persons were seen near the cows at night (with lights and torches), carrying a knife, axe and rope preparing for slaughtering, and as per Annexure R-1 with the affidavit the 14 cows were seen to be either weak or healthy, I would no reason to not allow this petition as regards admitting the petitioner to bail.

Consequently, without making any comment on the actual merits of the case, which would be gone into by the investigating agency and the competent court on the basis of evidence gathered/led, the order dated 11.02.2022, is made absolute.

March 15, 2022

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO