

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201

CRM-M-4698 of 2022

Date of Decision:02.08.2022

Shokat Ali

---Petitioner

versus

State of Haryana

---Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Munfaid Khan, Advocate
for the petitioner

Mr. Ashish Yadav, Addl. A.G., Haryana

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in this petition filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as 'CrPC') is for grant of anticipatory bail to the petitioner in case FIR No. 33 dated 17.01.2022 under Sections 279 and 336 of the Indian Penal Code (hereinafter referred to as 'IPC'), Section 11 of the Prevention of Cruelty to Animals Act, 1960 and Sections 5, 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Kasola, District Rewari.

Learned counsel for the petitioner *inter alia* contends that pursuant to the order dated 04.02.2022 passed by this Court, the petitioner has joined investigation and is no longer required for investigation of the case.

Learned State counsel submits on instructions from HC Sanjay Kumar corroborates the fact that the petitioner has joined the investigation.

He further submits that the petitioner is not pointing out the whereabouts of

the other co-accused.

It is the job of the Investigating Agency to nab the other co-accused. The concession of bail granted to an accused cannot be denied solely because the Investigating Agency has not been able to nab the other co-accused. Therefore, the submission made by learned State counsel in misconceived and thus, rejected.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required, the present petition is allowed and the interim order dated 04.02.2022 is made absolute.

However, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) CrPC.

(VINOD S. BHARDWAJ)
JUDGE

02.08.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No