

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(209)

CRM-M-15882-2022

Date of decision: - 25.07.2022

Tofik Khan

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Anmol Malik, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.520 dated 27.11.2021 registered under Sections 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Sections 11 of the Prevention of Cruelty to Animals Act, and Sections 279 and 336 of the Indian Penal Code, 1860 at Police Station Sadar Nuh, District Nuh.

On 20.04.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case and the petitioner is neither the owner nor has any connection with the vehicle in question and has further submitted that it is impossible to believe that the petitioner had managed to escape despite the fact there were several police officials present at the time of barricading moreso,

when the tyres of the vehicle in which the petitioner and the co-accused were allegedly travelling had been punctured. It is also argued that no independent witness was joined by the Police party and the petitioner, even as per the version of the prosecution, was not apprehended at the spot. It is further argued that the petitioner is not involved in any other case and no recovery is to be effected from the petitioner and the co-accused of the petitioner namely Yusuf @ Isub who is similarly placed as present petitioner, has already been granted anticipatory bail by this Court vide order dated 17.01.2022 passed in CRM-M-1915-2022.

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 04.05.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his 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 above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Jagat Singh, has submitted that the petitioner has joined the investigation on 23.05.2022 and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 20.04.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 20.04.2022 is

ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

July 25, 2022
naresh.k

(VIKAS BAHL)
JUDGE

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