

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17059-2022 (O&M)
Date of Decision:-27.10.2022

Sher Mohammad

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0342, dated 16.11.2020, Police Station Industrial Sector, District Panipat, Haryana, under Section 13 (2) of the Haryana Gouvansh Sanrakshan and Gausamvardhan Act, 2015.
2. At the time of issuance of notice of motion, the following order was passed on 26.4.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0342 dated 16.11.2020 at Police Station Industrial Sector, District Panipat, Haryana under Section 13(2) of Haryana Gouvansh Sanrakshan and Gausamvardhan Act, 2015.

The FIR in question was lodged at the instance of Balbir, wherein it has been stated that he is working as a Supervisor in Karmayogi

Shri Krishan Gaushala Siwah, District Panipat and that on 16.11.2020, when he alongwith Mahabir was proceeding to Gaushala on his motorcycle then they came across an Eicher truck (Canter), which was covered with tarpaulin and they suspected that there was some cattle inside the said canter. They followed the said Canter and signaled the driver to stop. When the said Canter reached near the Police Lines near Gaushala, the driver stopped the said Canter and locked the same and fled away alongwith his 2-3 accomplices. Upon checking the said Canter, 10 bulls were found in the said Canter. It is further the case of prosecution that during the course of investigation, the said Canter was found to be registered in the name of Tarif. Subsequently on 25.7.2021, accused Kamil was arrested, who suffered a disclosure statement to the effect that he alongwith Sher Mohammad (petitioner) and Irfan had brought the said bulls from Punjab and Haryana for the purpose of slaughtering them.

Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case and is nowhere named in the FIR and came to be nominated subsequently on the basis of a disclosure statement made by a co-accused, who himself is not named in the FIR, and that no evidentiary value can be attached to such like disclosure statement.

Notice of motion for 27.10.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from the Investigating Officer concerned, has informed that pursuant to interim directions, the petitioner

has since joined investigation and he is not required for any custodial interrogation.

4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 26.4.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

27.10.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No