

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

212

CRM-M-17277-2022

Date of decision: 16.05.2022

MUSTAKIM

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Arjun Atri, Advocate
for the petitioner.

Mr. Sumit Gupta, Addl. Advocate General, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., wherein petitioner seeks the indulgence of this court for grant of anticipatory bail.

2. In FIR bearing No.50 of 11.02.2022, registered at Police Station Punhana, District Nuh, offences constituted under Sections 3/13(1), 8/13(3), and, under Section 17 of the Haryana Gausvansh Sanrakshan and Gausamvardhan Act 2015, are embodied.

3. In an un-numbered crime motorcycle, of grey colour, Apache, two bags containing beef were carried, and, were recovered at the crime site, by the Investigating Officer concerned.

4. The pillion of the crime motorcycle was occupied at the relevant crime, by the present bail petitioner, and, it was at the relevant time, driven by co-accused Salim @ Chini.

5. The learned State Counsel has submitted before this Court

that not only the crime motorcycle has been impounded, but also recovery of 80 Kgs of beef has been effectuated, at the relevant crime site, by the Investigating Officer concerned.

6. Though, in the wake of above, this Court would become constrained to not order for the custodial interrogation of the present bail petitioner. However, at this stage, the learned State counsel submits, that since the bail applicant-petitioner is a habitual offender, thereupon there is every likelihood of the bail applicant-petitioner abusing the facility of bail, as may become accorded to him. However, the vigour of the afore made submission, of the learned State Counsel, before this Court, can be mitigated, by imposition of stringent conditions, upon the bail applicant-petitioner.

7. Consequently, the present petition is allowed, and, the bail applicant-petitioner is admitted to anticipatory bail, and, in the event of his arrest, he may not be arrested by the investigating officer concerned. However, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering cooperation to the investigating officer.

8. In addition, in case, the bail applicant-petitioner re-indulges in criminal activities, thereupon, it is open to the investigating officer concerned to forthwith arrest the bail applicant-petitioner, and, thereafter to produce him before the learned Magistrate concerned, for the latter making an order for his being put to judicial custody.

9. Moreover, it is also made subject to the present bail petitioner revealing to the Investigating Officer concerned the names of the persons from whom he has received supplies of the seized beef.
10. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from FIR (supra).

16.05.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned

Whether reportable

:

Yes/No

:

Yes/No