

207A

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25800-2022

Date of decision :23.09.2022

SALAM @ SALAMU

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Munfaid Khan, Advocate for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The petitioner seeks grant of anticipatory bail in case bearing FIR No.240 dated 22.10.2021 registered under Sections 3, 13(1) and 8/13(3) of the Haryana Govanshsanrakshan and Gausamvardhan Act, 2015 at Police Station Nagina, District Nuh.

On 06.06.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.240 dated 22.10.2021, registered for offences under Sections 3/13(1) and 8/13(3) of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, at Police Station Nagina, District Nuh, Haryana (Annexure P-1).

Counsel for the petitioner contends that the petitioner has been made an accused on the basis of disclosure statement of co-accused, Ekbal, who was arrested from the spot. He submits that the co-accused has been released on regular bail by the learned Sessions Judge, Nuh, vide order dated 23.12.2021

(Annexure P-2). It is his submission that though the petitioner is involved in another criminal case bearing FIR No.113 dated 24.05.2020, registered for offences under Section 11 of The Prevention of Cruelty to Animals Act, 1960, but he is on bail.

Notice of motion.

On asking of the Court, Ms. Deepshikha Chauhan, Assistant Advocate General, Haryana accepts notice on behalf of the respondent-State.

List on 20.09.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

While being released, the petitioner shall furnish an affidavit to the effect that he shall not get involved in any criminal activity and in case, he violates the undertaking, liberty is granted to the State to seek cancellation of bail. ”

Based on the aforementioned order, the petitioner has joined investigation.

The learned counsel for the petitioner submits that pursuant to the above order, once he has joined the investigation and has otherwise been named on a disclosure statement the custodial interrogation of the petitioner is not required.

On the other hand, the learned State counsel submits that though the petitioner has joined investigation, however, he is involved in one other case in which he is on bail.

I have heard the learned counsel for the parties at considerable length.

Admittedly, the petitioner is named in the disclosure statement of his co-accused Iqbal and he has joined investigation. In the other case registered against him, he is on bail. It would be a matter of adjudication during trial as to whether the statement of his co-accused inculcating him would be sufficient to affix guilt on the petitioner.

In view of aforesaid factual position, the interim order dated 06.06.2022 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

In addition, the following condition is also imposed on the petitioner:-

The petitioner shall appear before the police station concerned on the first Monday of every month and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

23.09.2022
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No