

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRM-M-26656-2022**

**Date of decision : 23.09.2022**

**FAKRU**

**... Petitioner**

**Versus**

**STATE OF HARYANA**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Jamshed Ahmed, Advocate for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

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**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 14.07.2022, the following order was passed:-

*“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.*

*The learned counsel for the petitioner contends that the petitioner has been made an accused on the basis of a disclosure statement of his co-accused, Ekbal, who was arrested from the spot. He submits that one of his co-accused namely, Salam @ Salamu has been granted the concession of interim anticipatory bail by this Court vide order dated 06.06.2022 (Annexure P-1).*

*Notice of motion for 20.09.2022.*

*Mr. Vikrant Pamboo, DAG, Haryana accepts notice on behalf of the respondent-State.*

*In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-*

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

*Meanwhile, State counsel is directed to file an affidavit as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.*

*To be heard along with CRM-M-25800-2022.”*

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 two other cases in one of which he is on anticipatory bail and in the other case he has been granted the bail, the offence itself being bailable.

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 cases registered against him, he has been granted the concession of 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 14.07.2022 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**