

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-39762-2021

Date of decision : 19.01.2022

Haseen

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr.Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.294 dated 29.07.2021 registered under Sections 5/13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Sections 11-59-60 of the Prevention of Cruelty to Animals Act, 1960 at Police Station Ferozepur Jhirka.

On 23.09.2021, this Court was pleased to pass the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.294 dated 29.07.2021 registered under Section 5/13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11-59-60 of the Prevention of Cruelty to Animals Act, 1960 at Police Station Ferozepur Jhirka.

Learned counsel for the petitioner inter alia contends that the petitioner was not apprehended at the spot and in fact, two persons were apprehended at the spot who in their disclosure statement also had not named the petitioner. It is further submitted that the petitioner had already been granted interim bail by the Sessions Judge, Nuh and had even gone to join the investigation on 02.09.2021 but on the very same date, the Investigating Officer was busy. With respect to non-joining of investigation on 02.09.2021, it has been submitted by the learned counsel for the petitioner that on account of some communication gap, the petitioner could not join the investigation and he is ready to join the investigation now and that nothing is to be recovered from the petitioner.

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 13.12.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to 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 said order and also the subsequent order dated 13.12.2021, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Banwari Lal, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 23.09.2021 and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition for anticipatory bail is allowed and the interim order dated 23.09.2021 is made absolute.

Nothing stated above shall be construed as an 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 petition.

(VIKAS BAHL)
JUDGE

January 19, 2022
Davinder Kumar

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