

*(Through Video Conferencing)*CRM-M No.41874 of 2021
Date of Decision: 18.01.2022

Sabir and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHIPresent: Ms. Vandana Sharma, Advocate,
for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioners are seeking anticipatory bail in FIR No. 76 dated 27.06.2021 registered under Sections 3/13(1) and 8/13(3) of the Haryana Gauvansh Sanrakshan And Gausamvardhan Act, 2015 at Police Station Utawar, District Palwal.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court on 09.11.2021. Order dated 09.11.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in respect of FIR No.76 dated 27.06.2021, registered under Sections 3/13(1) and 8/13(3) of the Haryana Gauvansh Sanrakshan And Gausamvardhan Act, 2015, at Police Station Utawar, District Palwal.

Learned counsel for the petitioners argues that the petitioners have wrongly been implicated in the present case, which fact is clear from the allegation alleged in the FIR that despite the fact that the raid was conducted on the basis of a secret information, but petitioners managed to escape, which is impossible, therefore, the petitioners, who are ready to join the investigation and cooperate, may kindly be extended the benefit of anticipatory bail.

Notice of motion for 17.01.2022.

Mr. Sumit Jain, Additional Advocate General, Haryana, who is present in Court, keeping in view the service of advance copy of petition,

accepts notice on behalf of respondent-State.

Learned State counsel concedes that the raid was conducted on the basis of a secret information and though, the petitioners managed to escape, but the skin of the dead animals was recovered from the house of the petitioners, therefore, prima facie, they are guilty of the allegations.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, nothing has come on record as to how come the petitioners managed to escape when the raid was conducted on the basis of a secret information and the witnesses were still able to identify them. Furthermore, nothing has brought to the notice of this Court, which needs to be recovered from the petitioners, so as to require the custodial interrogation.

Keeping in view the facts and circumstances noticed herein before, the purpose of investigation will be achieved in case the petitioners are directed to join the investigation and cooperate.

Hence, the petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That they shall make themselves available for interrogation by the police officer as and when required.

(ii) That they 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 them from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Jamsher Ali states that in terms of the order of this Court reproduced before, the petitioners have joined investigation and they are not required for further interrogation, at this stage.

In view of the above, the order dated 09.11.2021 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioners are required for the investigation but are not co-operating, State shall have liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

18.01.2022
 jyoti-II

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No