

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

**CRM-M No.39279 of 2022 (O&M)
Date of decision : 12.12.2022**

Mustakim

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

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

Mr. Sumit Jain, Addl.AG, Haryana.

PANKAJ JAIN, J. (ORAL)

The petitioner has prayed for grant of pre-arrest bail in FIR No.141 dated 02.06.2022 registered under Sections 3/13(1), 8/13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and 34 IPC, at Police Station Uttawar, District Palwal, Haryana.

On 01.09.2022 while issuing notice of motion the following order was passed:-

“Apprehending his arrest in FIR No.141 dated 02.06.2022 for offences punishable under Section 3/13 (1), 8/13 (3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and 34 IPC, 1860 registered at Police Station Uttawar, District Palwal, the petitioner has preferred this petition under Section 438 Cr.P.C seeking pre-arrest bail.

Learned counsel for the petitioner inter alia contends that the petitioner was not apprehended from the spot. Identity of the petitioner will be a debatable question. He further submits that nothing is to be recovered from the petitioner to warrant custodial interrogation.

Notice of motion.

*On the asking of the Court Mr. Sumit Jain, Addl.AG, Haryana.
who is present in Court accepts notice.*

*In the meantime, in the event of arrest, the petitioner shall be
released on interim bail subject to his furnishing personal and surety
bonds to the satisfaction of the Arresting Officer/Investigating Officer. As
and when called, the petitioner shall join the investigation. He shall abide
by the conditions enumerated under Section 438(2) of the Cr.P.C.*

To come up on 12.12.2022.”

Today, learned State counsel, on instructions from HC Om
Kumar, has stated that pursuant to the order dated 01.09.2022, the
petitioner has joined investigation and is no longer required for custodial
interrogation.

Keeping in view the fact that the petitioner was not
apprehended from the spot and nothing is to be recovered from the
petitioner to warrant his custodial interrogation, the interim order dated
01.09.2022 passed by this Court is made absolute.

This petition stands disposed off.

Needless to say that anything observed herein shall not be
construed to be an opinion on the merits of the case.

**(PANKAJ JAIN)
JUDGE**

12.12.2022
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No