

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

209

CRM-M-44907 of 2021
Date of Decision:23.02.2022

Gurvinder Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Mohd. Yousaf, Advocate,
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

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Vide this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.115, dated 22.09.2021, having been registered at Police Station Raikot, District Ludhiana, alleging therein the commission of offences punishable under Sections 295/34 of the IPC, and Section 11 of the Prevention of Cruelty to Animals Act, 1960.

Petitioner no.1 was directed to join investigation for the reasons stated in the order dated 29.10.2021 and was to be admitted to interim bail if he was sought to be arrested upon so joining.

Thereafter on 23.12.2021 the following order had been passed by this

court:-

“Case heard via video conferencing.

By this petition, the petitioners seek the concession of anticipatory bail, upon FIR no.115, dated 22.9.2021, having been registered at Police Station Sadar Raikot, District Ludhiana Rural, alleging therein the commission of offences punishable under Sections 295/34 of the IPC and Section 11 of the Prevention of Cruelty to Animals Act, 1960.

A reply of a gazetted officer has been filed, dated 27.11.2021, which is ordered to be taken on record.

In the said reply it is stated that petitioner no. 1 had informed the investigating officer that petitioner no.2 had allowed three persons to give shelter to their cows and oxen in the rice mill and had taken Rs. 3,000/- from them, with both the petitioners stated to be employees of one Jaswinder Singh.

That being so, petitioner no.2 is also directed to join investigation within one week and in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

As regards petitioner no.1, interim order to continue in his favour, till the next date of hearing.

Adjourned to 23.02.2022.”

Learned counsel for the petitioner submits that petitioner no.2 has also

joined investigation subsequent thereto.

In view of the above, looking at the nature of the offences alleged to have been committed, as regards admitting the petitioners to bail absolutely, the petition is allowed, with the orders earlier passed admitting them to interim bail made absolute.

It is however made clear that admitting them to bail would not in any manner whatsoever indicate that this court has expressed any opinion on the merits of the case as regards the innocence or guilt of the petitioners qua the offences that they are alleged to have committed, which would be gone into by the investigating agency and thereafter by the competent court.

February 23, 2022
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No