

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-46582-2022 (O&M)

Date of decision:14.11.2022

Mustak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Khalid Tauru, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana

VIKAS BAHL, J. (ORAL)

Prayer in this petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case bearing FIR No.377 dated 30.9.2021 registered under Sections 13(i), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015; 11,59,60 of the Animal Cruelty Act and 429 IPC at PS Pataudi, District Gurugram.

On 07.10.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Prayer in this petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case FIR No.377 dated 30.9.2021 under Section 13(i),17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015; 11,59,60 of the Animal Cruelty Act and 429 IPC, PS Pataudi, Distt. Gurugram.

Learned counsel for the petitioner contends that the petitioner has been implicated in the present matter on the basis of disclosure statement of co-accused and that he has no concern with the present case. It is further contended that neither anything is to be recovered from the petitioner nor his personal interrogation is required and hence he may be granted anticipatory bail.

Notice of motion for 14.11.2022.

Till the next date of hearing, in the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer/Trial Court. Petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C., reproduced below:-

- 1. the petitioner shall make himself available for interrogation by a police officer as and when required;*
- 2. 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 from disclosing such facts to the Court or to any police officer;*
- 3. the petitioner shall not leave India without the previous permission of the Court.*

(Nidhi Gupta)

7th October, 2022

Judge ”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Surender, has submitted that the petitioner has joined 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 07.10.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 07.10.2022 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.

Pending application, if any, stands disposed of in view of the
above said order.

14.11.2022

ishwar

Whether speaking / reasoned

Whether reportable

(VIKAS BAHL)

JUDGE

Yes/No

Yes/No