

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-53475-2021 (O&M)
Date of Decision:-7.9.2022

Jamshed

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nafeesh Ahmed, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana,
assisted by SI Anil Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.663, dated 4.12.2021, Police Station Model Town, District Rewari, Haryana, under Section 13(2) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section, 11 of Prevention of Cruelty to Animals and Sections 279 and 336 of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 21.12.2021:

“Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No. 663 dated 04.12.2021 under Sections 13 (2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 11 of the

Prevention of Cruelty to Animals Act, 1960 and Section 279 and 336 of IPC, 1860 registered at Police Station Model Town, District Rewari.

Learned counsel for the petitioner argues that the petitioner has been roped in the case only on the basis of the fact that the truck, in which the animals were found, belonged to the petitioner though, neither the driver nor the petitioner, on whom the allegations have been alleged under the Prevention of Cruelty to Animals Act, 1960 were found at the spot. He further submits that as nothing is to be recovered from the petitioner as of now and since the petitioner is ready to cooperate with the investigation after joining the same, he may be extended the concession of anticipatory bail.

Notice of motion.

Mr. Gaurav Bansal, AAG, Haryana, who has joined the proceedings, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that once the truck belongs to the petitioner, he is answerable as to how the same was being used to transport the animals in a manner which violated the provisions of Prevention of Cruelty to Animals Act, 1960 for which, the custodial interrogation of the petitioner is necessary.

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

Once, nothing is to be recovered from the petitioner and the custodial interrogation of the petitioner is being asked only to extract information with regard to the factum as to how the animals were being transported in the vehicle belonging to the petitioner, the purpose of investigation will be achieved, in case the petitioner is directed to join the investigation and cooperate with the same.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- (i) That he shall make himself available for interrogation by the police officer as and when required.
- (ii) That he 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 the said facts to the Court or to any police officer.
- (iii) That he shall not leave India without prior permission of the Court.
- (iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C. Adjourned to 15.02.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

3. Learned State counsel, upon instructions from SI Anil Kumar, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation. It has also been informed that the petitioner happens to be involved in one more case for offence under Section 379 of Indian Penal Code.

4. Having regard to the facts and circumstances of the case particularly the fact that the petitioner has already joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 21.12.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

7.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No