

202-1

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

CRM-M-1543-2023
Date of Decision: 09.05.2023

Sahjad

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Intizar Ul Hasan, Advocate for
Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

HARSH BUNGER, J. (Oral)

Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.347 dated 28.07.2022 registered under Section 11 of the Prevention of Cruelty to Animals Act, 1960, Sections 13(1), 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 25(IB)(a) of the Arms Act, 1959, Section 429 of the Indian Penal Code, 1860 and later on added the offence under Section 120-B of the Indian Penal Code, 1860, at Police Station Bilaspur, District Gurugram (Haryana).

2. On 16.03.2023 the following order was passed by this Court :-

“Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.347 dated 28.07.2022 registered under Section 11 of the Prevention of Cruelty to

Animals Act, 1960, Sections 13(1), 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 25(IB)(a) of the Arms Act, 1959, Section 429 of the Indian Penal Code, 1860 and later on added the offence under Section 120-B of the Indian Penal Code, 1860, at Police Station Bilaspur, District Gurugram (Haryana).

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Learned counsel submits that name of petitioner is not mentioned in the secret information and neither the petitioner is named in the present FIR nor was the petitioner apprehended at the spot. It is submitted that petitioner has been nominated as an accused on the basis of some disclosure statements. Learned counsel submits that there is no other evidence against the petitioner, except the disclosure statement. It is further submitted that the co-accused, who were arrested at the spot, have already been granted the concession of bail by the trial Court. Learned counsel further submits that the bail application moved by the petitioner under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by the learned Additional Sessions Judge, Gurugram, vide its order dated 22.12.2022. Learned counsel also submits that the petitioner is not involved in any other case. It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.

Learned counsel appearing on behalf of the State opposes the petitioner's plea for bail on the ground of seriousness of the offence, however, it is not disputed by learned State counsel that the petitioner is not named in the FIR and is not involved in any other case. It is also not disputed that the other co-accused have been granted bail.

List on 09.05.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/ Arresting Officer. However, he shall join the investigation as and when directed by the Investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C."

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.
4. Learned State counsel on instructions from ASI Chandagi Ram

has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

5. Heard learned counsel for the parties.

6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 16.03.2023 passed by this Court is made absolute.

7. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

8. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

9. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

10. The petition is accordingly disposed of.

09.05.2023

Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No