

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

**CRM-M-3756-2023
Date of Decision: 10.04.2023**

Arbaj Khan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Nafees Ahmad Khan, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER J. (ORAL)

Petitioner (Arbaj Khan) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.347 dated 28.07.2022 (Annexure P-1), under Section 11 of the Prevention of Cruelty of Animals Act, Sections 13(1) & 13(2) of the Haryana Gauvash Sanrakshan and Gausamverdhan Act, Section 25(1-B)(a) of the Arms Act and Section 429 of the Indian Penal Code, registered at Police Station Bilaspur, District Gurugram.

On 16.02.2023, the following order was passed by this Court :-

“Present petition under Section 438 Cr.P.C. is filed for grant of anticipatory bail to the petitioner in case FIR No.347 dated 28.07.2022 (Annexure P-1), under Section 11 of the Prevention of Cruelty of Animals Act, Sections 13(1) & 13(2)

of the Haryana Gauvash Sanrakshan and Gausamverdhan Act, Section 25(1-B)(a) of the Arms Act and Section 429 IPC, registered at Police Station Bilaspur, District Gurugram.

Learned counsel for the petitioner submits that the petitioner was initially not named in the present FIR (Annexure P-1) and he has been falsely implicated this case at the behest of disclosure statements of co-accused. It is further submitted that no specific role has been attributed to the petitioner in this case. Learned counsel contends that co-accused, namely Imran, Arif and Mustaq, have already been granted the concession of regular bail by the Court of Additional Sessions Judge, Gurugram, vide orders dated 29.09.2022 (Annexure P-2), 03.10.2022 (Annexure P-3) and 10.10.2022 (Annexure P-4), respectively. Learned counsel for the petitioner submits that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Learned State counsel opposes the plea of petitioner on the ground of seriousness of the offences. However, he fairly concedes the fact that co-accused, namely Imran, Arif and Mustaq, have already been granted the concession of regular bail by the Court of Additional Sessions Judge, Gurugram, vide orders dated 29.09.2022, 03.10.2022 and 10.10.2022, respectively.

List on 10.04.2023.

In the meanwhile, in the event of arrest of 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.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from Sub Inspector

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

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 16.02.2023, passed by this Court, is made absolute.

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) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Present petition is accordingly disposed of.

10.04.2023*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No