

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-4454-2023
Date of decision: 22.03.2023

ISTAK

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No. 657 dated 20.12.2022, under Sections 3/13(1), 8/13(3) and 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 registered at Police Station Sadar Nuh, District Nuh.

On 09.02.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of anticipatory bail to the petitioner in case FIR No.657 dated 20.12.2022, registered under Sections 3/13(1),8/13(3),17 of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act,2015 at Police Station Sadar Nuh, District Nuh.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The motorcycle in question is stated to be recovered from the spot in fact, was from his

residence. Sumit, co-accused has been granted anticipatory bail who also had four cases against him (Annexure P-2). He further submits that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency.

Notice of motion for 22.03.2023.

At the asking of the Court, Mr. Tanuj Sharma, AAG, Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 15.02.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.”

Learned counsel for the petitioner submits that in pursuance of the above order, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned State counsel on instructions from HC Jagtar Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 09.02.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

22.03.2023
Mehak

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>