

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

207

CRM-M-4493-2023

Date of decision: 16.08.2023

Aamin

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Rosi, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. On 30.01.2023, this Court had passed the following order:-

“The present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No.104 dated 23.03.2016 registered under Sections 13 (1) and 13 (II) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Sections 11, 59, 60 of the Prevention of Cruelty of Animals Act 1960 at Police Station Sadar Bhondsi, District Gurugram.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR which was registered in 2016 and is now nominated as accused on the basis of disclosure statement made by coaccused Farid and further submitted that the petitioner who is having no criminal history is ready to join the investigation.

Notice of motion.

Mr. C.L. Pawar, Addl. A.G. Punjab accepts notice on behalf of respondent-State and on instructions from PSI Amit Kumar has submitted that in the present case FIR was registered against unknown persons who fled away from the spot after leaving behind one Tata 407 bearing No.HR47B3920 and 4 cows and 1 calf were recovered from the said vehicle. He further submitted that the petitioner is having no criminal history but is required by the police in the present case.

In view of the fact that the petitioner was not named in the FIR and further the recovery is already effected, the petitioner is hereby directed to join investigation.

In view of the above, in the meanwhile, in case of arrest, the petitioner is to be released on interim bail by the Investigating Officer/Arresting Officer subject to his own satisfaction. The petitioner should join investigation with the police well in time before the next date of hearing and to abide by the conditions envisaged under Section 438(2) Cr.P.C.

The report of the Investigating Officer be also called in this context on the next date of hearing.

Now be listed on 16.08.2023.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but 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.

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

4. 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 30.01.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating 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

16.08.2023
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No