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

CRM-M-20262-2023 (O&M)

Date of decision : 18.08.2023

Imran

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Arjun Atri, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*') has been filed for grant of pre-arrest bail to the petitioner in FIR No.346 dated 29.07.2020, under Section(s) 5/13(2), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015; Section 11 of the Prevention of Cruelty to Animals Act, 1960; and Section 120-B of the Indian Penal Code, 1860, registered at Police Station Sadar Nuh.

2. Above FIR was registered on the basis of secret information that petitioner along with other co-accused was indulging in the illegal business of cow slaughtering. Finding the information to be credible, a truck was apprehended and upon checking, 6 cows, 4 oxen and 1 calf were recovered laden in cruel condition. The accused-petitioner is alleged to have fled from the spot.

3. The Coordinate Bench, on 25.04.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.346 dated 29.07.2020 registered under Sections 5, 13(2) and 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Section 11 of the Animal Cruelty Act, 1960 and 120-B of the Indian Penal Code, 1860 at Police Station Sadar Nuh, District Mewat.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of secret information. The petitioner is not apprehended on the spot. The prosecution has nothing to connect the petitioner with the alleged offence. The petitioner is not involved in any other case. Nothing is to be recovered from the petitioner and his custodial interrogation is not required in the case. The petitioner is already ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Munish Sharma, Asstt. A.G., Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and seeks time to complete his instructions.

Adjourned to 14.08.2023.

In the meanwhile, the petitioner is directed to join the investigation and appear before the Investigating Officer within 10 days from today and on his doing so, the petitioner shall be released on interim anticipatory bail subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. The

petitioner shall also abide by the conditions as specified under Section 438(2) of the Cr.P.C.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 25.04.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

18.08.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No