

2023:PHHC:101015

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

206

CRM-M-23831-2023 (O&M)
Date of decision: 04.08.2023

Shokin @ Shokeen

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Anas Ahmed, Advocate for the petitioner

Mr. B.S. Virk Sr. DAG Haryana

AMAN CHAUDHARY. J.

1. On 11.05.2023, this Court had passed the following order:-

“The prayer in this petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 7 dated 02.01.2023 under Sections 3/13 (1), 8/13(3) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 registered at Police Station Sadar Nuh, District Nuh.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated. As per prosecution version, police on the basis of secret information raided cremation ground of Village Ranika whereby 3-4 persons were found there, who on seeing the police party, fled away from the spot. One Cow and One Ox were found alive there and 42 Kgs of fresh cow beef has also been recovered. It is submitted that it is not a version of police that petitioner has fled away from the spot. He further submits that the recovery has already been effected and the petitioner is already involved in two other similar cases and he is on regular bail on those cases.

Notice of motion.

On the asking of the Court, Mr. Karan Sharma, DAG, Haryana appears and accepts notice on behalf of the respondent-State and seeks time to file status report. A copy of the paper book be supplied to him during the course of the day.

Adjourned to 04.08.2023.

In the meantime, petitioner is directed to join investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:

- (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite.

- 2. Learned counsel submits that in pursuance of the afore-mentioned 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 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 11.05.2023 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

August 04, 2023
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No