

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213 CRM-M-29035-2023
Date of decision: 06.09.2023

Jamshed ..Petitioner

Versus

State of Haryana ..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

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

AMAN CHAUDHARY, J.

1. On 02.06.2023, this Court had passed the following order:-

“Prayer is for grant of anticipatory bail in case having FIR No.15 dated 16.1.2023 registered under Sections 11 the Prevention of Cruelty to Animals Act and Section 13(1), 13(2) the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, at Police Station Sector 9-A, Gurugram.

The counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case on the basis of alleged disclosure statement made by co-accused Sahid. That the admissibility and veracity of the disclosure statement will be subject matter of the trial. The counsel for the petitioner submits that the petitioner has nothing to do with the alleged occurrence and that the petitioner who is having no criminal history is ready to join investigation.

Notice of motion.

On the asking of the Court, Mr. Naveen Kumar Sheoran, DAG, accepts notice on behalf of State of Haryana and on instructions from ASI Ashish Kumar submits that the petitioner is required by the police for proper investigation of the case as he escaped from the spot while his companion Sahid was arrested by the police from the place of occurrence and said Sahid disclosed the name of the petitioner. However, the State counsel has not disputed the fact that the petitioner is not owner of the vehicle in question i.e. Mahindra pick-up bearing registration No.HR-74A-8737, which was recovered by the police at the spot. The State counsel further apprised the Court that 4 cows and one calf were

recovered from the aforesaid pick-up vehicle. However, the State counsel has not disputed the fact that petitioner is having no criminal history.

In view of the above, in case of arrest, the petitioner is directed 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 6.9.2023.”

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 PSI Ashish 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 02.06.2023 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

06.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No