

2024:PHHC:052197

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208 CRM-M-851-2024 (O&M)

DATE OF DECISION: 16.04.2024

ASGAR @ ASGAR ALI ...PETITIONER

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Nafeesh Ahmed, Advocate for the petitioner.

Mr. G.S.Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.329, dated 24.10.2023 (Annexure P-1), under Sections 13(3), 13(1), 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station City Nuh, District Nuh, Haryana.

Vide order dated 09.01.2024, the following order was passed:-

“The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.329, dated 24.10.2023 (Annexure P-1), under Sections 13(3), 13(1), 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station City Nuh, District Nuh, Haryana.

Learned counsel for the petitioner submits that the petitioner is not connected to the alleged offence of carrying cow beef weighing 100 kg in a plastic bag on a motorcycle bearing registration No.HR-27-L-9376. He further submits that the petitioner has no concern with the alleged motorcycle and the same is stated to be owned and used by his neighbour Ahmed Hassan.

Notice of motion.

On the asking of the Court, Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State and submits that during the course of preliminary inquires, in fact the motorcycle along with the cow beef weighing 100 kgs was recovered from the house of the petitioner itself and on seeing the police party, the petitioner jumped over the boundary wall of the roof and ran away, therefore, he does not deserve the concession of anticipatory bail at this stage.

Be that as it may, the petitioner is directed to be released on interim bail subject to his joining investigation and reporting to the Investigating Officer concerned within one week from today, on furnishing of personal/security bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

Adjourned to 16.04.2024.”

In compliance thereof, learned State Counsel informs the Court that the petitioner failed to join the investigation without giving any cogent reason within the stipulated time of one week.

In view of the fact that the petitioner did not comply with the order dated 09.01.2024, this Court is of the considered view that the petitioner has misused the concession of anticipatory bail granted to him and has violated good faith of the Court bestowed upon him. Courts are to rescue those who approach it with clean hands and show their bona fides and not for defaulters who have no respect to the orders passed by the Court.

In light of the above, the petition is dismissed.

(SANDEEP MOUDGIL)
JUDGE

16.04.2024

anuradha

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*