

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

CRM-M-4686-2024 (O&M)
Date of Decision: 29.02.2024

...Petitioner

V/S

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 444 dated 01.12.2023 (Annexure P-1) registered under Sections 5/13(2), 17 of the Haryana Govansh Sanrakshan and Gosamvardhan Act, 2015 and Sections 11-59-60 of Animal Cruelty Act 1960 at Police Station Ferozepur Jhirka, District Nuh.
2. On 30.01.2024, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.444 dated 01.12.2023 registered under Section 5/13 (2), 17 of the Haryana Govansh Sanrakshan & Gosamvardhan Act, 2015 and Section 11 of Animal Cruelty Act, 1960 at Police Station Ferozepur Jhirkha, District Nuh.

Learned counsel for the petitioner, inter alia, contends that the present FIR is lodged on the basis of secret information against the petitioner and three co-accused. Neither the vehicle in which the animals were found was registered in the name of the petitioner nor he was apprehended at the spot.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 06.02.2024 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 29.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel on instructions from ASI Raj Kumar, submits that in compliance of order dated 30.01.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 30.01.2024, is made absolute. The petitioner shall abide by

the terms and conditions enumerated in Section 438(2) of Cr.P.C.

5. The petition is accordingly allowed.

29.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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