

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5712-2021(O&M)
Date of decision: 30.01.2024

Jaakir

...Petitioner

Versus

State of Haryana

...Respondent

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.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.741 dated 22.12.2020, under Sections 5, 13(2), 17 of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Camp Palwal, District Palwal, Haryana.

(2) Allegations are that six cows tied in a cruel manner were recovered from a canter allegedly owned by the petitioner.

(3) This Court on 21.11.2023, granted interim bail to the petitioner and which reads as under:-

“ Learned counsel for the petitioner submitted that the arrest of the petitioner was stayed on 19.03.2021, but thereafter, the petitioner was never called by the Investigating Officer for joining investigation.

However, on the other hand, Mr. Naveen Kumar Sheoran, learned DAG, Haryana stated that notices were issued to the petitioner for joining the investigation, but he did not appear.

However, the aforesaid submission made by the learned State counsel has been controverted by the learned counsel for the petitioner by stating that the petitioner has not received any notice.

The allegations in the present case as per the learned counsel for the parties are pertaining to recovery of six cows from a canter which was owned by the petitioner, but the petitioner was not present at the spot and was only the owner of the vehicle. The petitioner is stated to be not involved in any other case and has clean antecedents, as per the learned counsels for the parties.

In view of the aforesaid dichotomous factual position pertaining to the receiving of the notices, it will be in the interest of justice to

fix a date and time so that the petitioner can join the investigation in this regard. Consequently, it is directed that the petitioner shall appear before the Investigating Officer on 30.11.2023 at 11.00 a.m. and shall also fully co-operate with the investigation process and on his doing so, in case he is required to be arrested, he be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting /Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

- (4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
- (5) Learned State Counsel on instructions from Inspector-Satya Narayan submits that in pursuance of aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of above, interim order dated 21.11.2023 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) It is made clear that in case of any recurrence on the part of the petitioner, the State of Haryana would be at liberty to move an application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

30.01.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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