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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10247-2024

Date of Decision:- 28.11.2024

HASIN @ HASEEN

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

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

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner Hasin @ Haseen filed instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.451 dated 06.12.2023 under Sections 5/13 (2), 17 of the Haryana Govansh Sanrakshan @ Gosamvardhan Act, 2015 and Section 11-59-60 of Animal Cruelty Act, 1960 and Section 25-54-59 of Arms Act and Section 307 and 120-B of IPC registered at Police Station Ferozepur Jhirka, District Nuh.
2. Learned counsel for petitioner argued that present petitioner was granted anticipatory bail by the Coordinate Bench vide order 27.02.2024 and relevant portion thereof runs as under:-

“The petitioner seeks grant of anticipatory bail in respect of FIR No.451 dated 06.12.2023 registered at P.S. Ferozepur Jhirka, District Nuh, under Sections 5/13(2), 17 of the Haryana Govansh Sanrakshan & Gosamvardhan Act; Section 11, 59, 60 of Animal Cruelty Act; Section 25, 54, 59 of the Arms Act and Sections 307, 120-B IPC.

As per the case of prosecution, on 06.12.2023, the police party received a secret information to the effect that



Tofiq, Wasik, Mustafa, Aasu, Soyab and Hasin (petitioner) are involved in cow slaughtering and today they are taking cows in a canter from Haryana to Rajasthan for the purpose of slaughtering. Pursuant to receipt of said information, the police installed barricades and intercepted one Eicher Canter, but the driver of said vehicle accelerated the speed in order to flee away. On which, the police threw kanta towards the vehicle and because of the same, the tyre of the vehicle burst. The accused persons managed to flee away from the spot. However, they were identified by the secret informer. The accused persons also fired on police party. On search of vehicle, 12 cows were found, which were tied in a very cruel manner.

Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that apart from the fact that there is no substantial evidence to substantiate allegations with respect to offences under Sections 5/13(2), 17 of the Haryana Govansh Sanrakshan & Gosamvardhan Act; Section 11, 59, 60 of Animal Cruelty Act and Section 25 of the Arms Act, even the alleged offence under Section 307 IPC also cannot be said to be attracted inasmuch as no injury apparently was sustained by any member of the police party.

Notice of motion for 10.07.2024.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. He further argued that in compliance to the aforesaid order, he has already joined the investigation on 09.07.2024. No recovery is to be effected from him. Therefore, his anticipatory bail may be allowed.



4. Status report is filed in which it is confirmed that petitioner has joined investigation on 09.07.2024. However, he opposed the bail application while submitting that he is habitual offender and he is also involved in three more FIRs.

5. I have considered the arguments and have gone through the record. Petitioner has already joined the investigation. He is still ready to abide by the terms and conditions of bail order. Considering the aforesaid factual position, no purpose would be served by sending petitioner behind the bars. Therefore, interim bail granted in favour of the petitioner vide order dated 27.02.2024 stands confirmed subject to the conditions detailed under Section 438 (2) of Cr.P.C.

6. Petition is disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

28.11.2024

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No