

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-13438-2024
Date of decision: 08.05.2024

AARIF

....Petitioner.

Versus

STATE OF HARYANA

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vipul Aggarwal, Advocate for
for the petitioner.

Ms.Gaganpreet Kaur, DAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
40	03.02.2024	Sections 13(2), 17 and (Section 5 added lateron) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act 2015 and Section 11 and (sections 59 and 60 added lateron) of Prevention of Cruelty of Animals Act and 120-B IPC	Ferozepur Jhirka, District Nuh

2. Learned counsel for the petitioners has submitted that in compliance to the order dated 10.04.2024 passed by this Court, the

petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel, on instructions from HC Raj Kumar, has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. Heard.

5. During the course of hearing on 10.04.2024, the following order was passed:-

“3. It is contended by learned counsel for the petitioner that the petitioner has been roped in the present case being the owner of the canter in question. He further contends that the said canter driven by Chani son of Sarfu was apprehended by the police and the driver was arrested at the spot but the petitioner has nothing to do with the alleged recovery nor he was present at the spot but has been nominated on the basis of disclosure statement of such driver which has no evidentiary value. He submits that the petitioner is having no criminal case registered against him and is ready to join the investigation.

4. Learned State counsel, on instructions from HC Raj Kumar, has admitted the fact that the petitioner is not facing any criminal case and also admitted the fact that he has been nominated by the driver.

5. Considering all these circumstances, without commenting on the merits of the case, it is deemed appropriate that the petitioner should join the investigation first before deciding the petition on merits and the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety

bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

6. *List on 08.05.2024.”*

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioners had joined the investigation consequent to the order dated 10.04.2024 passed by this Court, interim bail granted vide order dated 10.04.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.
7. The petition stands allowed.

08.05.2024
Kanika/joyti

(SANJIV BERRY)
JUDGE

- i) Whether speaking/reasoned?

Yes/No
- ii) Whether reportable?

Yes/No