

203      **IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CRM M-29777-2023 (O&M)**  
**Date of Decision: 19.03.2024**

Talib

..... Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Nafees Ahmad Khan, Advocate  
for the petitioner.

Mr. Kiran Pal Singh, Haryana  
Assisted by ASI Fakruddin.

**MAHABIR SINGH SINDHU. J.**

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No.600 dated 29.09.2020 registered under Section 11 of the Prevention of Cruelty to Animals Act, 1960 and Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 (Later Section 332 IPC and 5 & 17 of Haryana Gauvansh Sanrakhshan & Gausamvardhan Act were added), Section 25 of Arms Act, 1959, Section 114, 186, 279, 307, 336, 353 and 427 IPC, at Police Station, Model Town, District Rewari.

Status report dated 18.03.2024 by way of affidavit of Sh. Pawan Kumar, HPS, Deputy Superintendent of Police, City Rewari filed on behalf of respondent-State is taken on record. Registry to tag the same at appropriate place.

2. As per allegations, two cows were found in the vehicle and driver of vehicle, namely, Junna was apprehended on the spot. Petitioner has been nominated on the basis of disclosure made by Junna.

3. A Coordinate Bench of this Court vide order dated 06.06.2023, granted interim bail to petitioner and the same reads as under:-

*“Through this petition filed under Section 438 Cr.P.C., the petitioner is seeking anticipatory bail in FIR No.600 dated 29.09.2020, under Section 11 of The Prevention of Cruelty to Animals Act, 1960, Section 13(2) The Haryana Gauvansh Sanrakshan and Gausamvardhan Act 2015 (Section 332 IPC and Sections 5, 17 of Haryana Gauvansh Sanrakshan and Gausamvardhan Act were added later on), Section 25 of Arms Act 1959, and Sections 114, 186, 279, 307, 336, 353 and 427 IPC, registered at Police Station Model Town Rewari, District Rewari, Haryana.*

*Learned counsel for petitioner inter alia contends that as per the allegations contained in the FIR two cows were found in the vehicle and the driver of the vehicle Junna was apprehended at the spot. The petitioner has been falsely implicated in the present case. There is no evidence against the petitioner except the disclosure statement of co-accused Junna made while he was in custody and the petitioner has clean antecedents. No other FIR is registered or pending against the petitioner.*

*Notice of motion.*

*On the asking of the Court, Mr. Ashok Kumar Sehrawat, DAG, Haryana accepts notice on behalf of the respondent-State.*

*List on 19.07.2023.*

*In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation on or before 20.06.2023.*

*In the event of arrest, the petitioner shall be released on interim bail subject to satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”*

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he has joined investigation, therefore, his custodial interrogation is not required.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

6. In view of the above, interim order dated 06.06.2023 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 be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.

10. Pending criminal misc. application(s), if any, shall also stand disposed off.

19.03.2024

SN

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

**Whether speaking/reasoned : Yes/No**

**Whether Reportable: Yes/No**