

203(2) IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM M-31260-2023 (O&M)
Date of Decision: 19.03.2024

Irshad Khan @ Issi

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Munfaid 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 Sections 332, 353 & 307 IPC, Section 25 of Arms Act, 1959, Section 11 of the Prevention of Cruelty to Animals Act, 1960 and Section 3/13(2), 8/13(3) & 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, at Police Station, Model Town, District Rewari.

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 17.08.2023, granted interim bail to petitioner and the same reads as under:-

“Prayer in this petition filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in case FIR No.600 dated 29.09.2020, under Sections 332, 353, 307 of IPC, Section

25 of Arms Act, Section 11 of the Prevention of Cruelty to Animals Act, 1960 and Sections 3/13(2), 8/13(3), 17 of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Model Town, District Rewari.

Learned counsel for the petitioner inter alia contends that as per 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, whereas no evidence against the petitioner except the disclosure statement of coaccused Junna made while he was in custody. It is further submitted that the petitioner is not the registered owner or having control over the vehicle in question. Co-accused Talib has been granted the concession of interim anticipatory bail by this Court, vide order dated 06.06.2023 in CRM-M-29777-2023.

Notice of motion.

Mr. Gurbir S. Dhillon, AAG, Haryana, accepts notice on behalf of the respondent-State. Learned State counsel submits that on the basis of status report, co-accused Talib had clean antecedents as he was not involved in any other case, whereas the petitioner is involved in other cases as well. He seeks time to file reply.

List on 05.10.2023.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation on or before 29.08.2023. 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 specified 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 17.08.2023 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