

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

222

2024:PHHC:098057



CRM-M-30707-2024 (O&M)
Date of decision: 01.08.2024

Mursleen @ Mussi**....Petitioner****Versus****STATE OF HARYANA****...Respondent****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Ms.Rosi, Advocate
for the petitioner.
Mr.Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On 03.072024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.130 dated 09.04.2024, under Section 13(2) of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at P.S. Sadar Nuh, District Nuh.

2. The learned counsel for the petitioner submits that, vide order dated 22.04.2024, the petitioner was granted the concession of interim bail by the learned Additional Sessions Judge, Nuh and he was directed to join investigation. However, owing to some communication gap between the petitioner and his trial court counsel, the petitioner could not appear before the investigating officer and failed to join investigation on two occasions. These defaults of the petitioner resulted in the learned Additional Sessions Judge concerned withdrawing the order(s) granting interim bail to the petitioner and his anticipatory bail application was dismissed vide order dated 26.04.2024.

3. The learned counsel for the petitioner submits that the absence of the petitioner before the investigating officer was neither intentional nor wilful, rather was due to the reasons mentioned hereinabove. She submits that the petitioner is ready and willing to join the investigation and he will not violate any of the terms and conditions, as may become imposed upon him.

4. Notice of motion for 01.08.2024.

5. Mr. Rajesh Gaur, Addl. A.G., Haryana, accepts notice on behalf of respondent-State of Haryana.

6. The petitioner is directed to join the investigation and to appear before the investigating agency on 15.07.2024, in the police station concerned. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

7. The investigating officer shall ensure that he/she remains present in the police station on the stipulated date and joins the petitioner in the investigation.”

2. Today, the learned State counsel has, on instructions imparted to him from the official respondent, stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated **03.07.2024**, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner shall not commit an offence similar to the present offence;
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner shall make himself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

01.08.2024

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No