

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-40584-2024
Date of decision: 12.09.2024

MOHAMMAD TASIM ..PETITIONER

Versus

STATE OF HARYANA ...RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Ms. Gurpreet Kaur, Advocate for
Mr. P.S. Sekhon, Advocate for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of Cr.P.C., 2023, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
153	03.06.2024	279, 336 of IPC; 13(3) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015.	Ding, District Sirsa.

2. Reply dated 11.09.2024 in the form of an affidavit of Deputy Superintendent of Police, Sirsa, District Sirsa, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
3. Learned counsel for the petitioner submits that in compliance to the order dated 22.08.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 22.08.2024.



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4. Learned State counsel, on instructions received from SI Bhim Singh, intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial interrogation.

5. During the course of hearing on 22.08.2024 , following order was passed:

“The learned counsel for the petitioner inter alia contends that the petitioner was named in the disclosure statement of the arrested accused. He was initially granted the concession of bail, had joined investigation but subsequently the said bail application came to be dismissed on account of the fact that another FIR had been registered against him. He states that the petitioner is ready and willing to join the investigation once again.

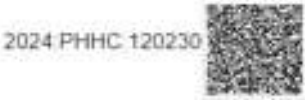
Notice of motion for 12.09.2024.

Mr. Parveen Kumar Aggarwal, DAG, Haryana, present in the Court, accepts notice on behalf of the State.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;



(iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, the State is directed to file an affidavit/reply as to the exact role of the petitioner and his co-accused alongwith the details of pending FIRs, if any, on or before the next date of hearing. ”

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 22.08.2024 passed by this Court, interim bail granted vide order dated 22.08.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. 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.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

12.09.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |