

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51003-2023
Date of decision: 18.03.2024

ASLAMPETITIONER(S)

VERSUS

STATE OF HARYANA ...RESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mohd. Shahid Hussain, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

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

FIR No.	Dated	Sections	Police Station
183	07.04.2023	13(2) of Haryana Govansh Sanverdhan and Govansh Sanverdhan Act (HGS & GS Act) 2015 and Sections 186, 279, 336 and 120-B of IPC and Section 3(2) of Prevention of Damage to Public Property Act, 1984 and Section 11 of Prevention of Cruelty to Animals Act, 1960.	Sadar, Nuh, District Nuh.

2. Learned counsel for the petitioner submits that in compliance to the order dated 05.01.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 05.01.2024.

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3. Learned State counsel, on instructions from SI Kamal, intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. During the course of hearing on 05.01.2024, following order was passed:

“1. It is contended by learned counsel for the petitioner that the petitioner is innocent and has no concern with the alleged occurrence.

2. Per contra learned State counsel submits that the petitioner has been named by the informer to be driver of the canter and even the co-accused, namely, Abdul Malik already arrested has also named him in the disclosure statement.

2. After considering rival contentions and perusing the case, it is deemed appropriate that the petitioner should join the investigation.

3. In the circumstances of the case, the petitioner is hereby directed to join investigation within seven days and co-operate in the same. In the event of the arrest of the petitioner, he shall 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.

5. Adjourned to 16.01.2024”

5. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order

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dated 05.01.2024 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.

6. The petition stands allowed.

7. 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

18.03.2024

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