

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

(216)

**2024:PHHC: 005514
CRM-M-53302-2023
Date of Decision: 16.01.2024**

Mubarik

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Ms. Raj Kumari, Advocate for petitioner.

Ms. Trishanjli Sharma, DAG, Haryana.

MANJARI NEHRU KAUL.J (Oral)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.0275 dated 29.07.2023 under Section 13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 registered at Police Station Ferozpur Jhirka, District Nuh.

2. Learned counsel for the petitioner submits that in compliance of the following order dated 19.10.2023, the petitioner has joined investigation and cooperated with the investigating agency.

“Petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.0275 dated 29.07.2023 under Section 13(2) of The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, registered at Police Station Ferozpur Jhirka, District Nuh.

Learned counsel for the petitioner submits that the falsity of the allegations levelled in the FIR in question that the petitioner was taking five cows for slaughtering, is evident from the fact that the petitioner was apprehended along with the cattle in the heart of the village. He submits that in fact, the petitioner was just taking cows for grazing.

Notice of motion.

On the asking of the Court, Ms. Trishanjali Sharma, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent.

Adjourned to 16.01.2024.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. 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.”

3. Learned State counsel, on instructions from HC Satish does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. She submits that petitioner is involved in two other cases of similar nature. She, on further instructions however submits that the petitioner is not required for further investigation much less for his custodial interrogation.

4. In the circumstances, the petition is allowed and the interim order dated 19.10.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

16.01.2024

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No