

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

**CRM-M-61075-2023 (O&M)
Date of decision : 14.02.2024**

Harpreet Singh Bains

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prince Pushpinder Rana, Advocate for
Mr. Dhruv Gupta, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.212 dated 06.06.2023, under Section 13(1) of the Haryana Gauvansh Sanrakshan & Gausamvardhan Act, 2015; Section 11 of the Prevention of Cruelty to Animals Act, 1960; Sections 279 & 336 of the Indian Penal Code, 1860, registered at Police Station Furrukh Nagar, District Gurugram.

(2) Above FIR was registered on the basis of complaint made by EASI Jaibir Singh with the allegations that on 06.06.2023, he along with other police officials was present on patrolling duty at KMP Pataudi Toll.

During patrolling, a Canter bearing registration No.HR-55-V-3867, which was loaded with 13 Oxen in a cruel manner, was taken into police possession. On interrogation, driver of the Canter disclosed his name as Gulzar Singh.

(3) This Court, while issuing notice of motion on 05.12.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that in view of FIR No.212 dated 06.06.2023, under Section 13(1) of the Haryana Gauvansh Sanrakshan & Gausamvardhan Act, 2015; Section 11 of the Prevention of Cruelty to Animals Act, 1960 and Sections 279 and 336 of the Indian Penal Code, 1860, registered at Police Station Furrukh Nagar, District Gurugram, apprehension of petitioner for being arrested is apparent; thus non-exercising of discretion in his favour by learned Additional Sessions Judge, Gurugram, is wholly erroneous.

Notice of motion.

Mr. Kiran Pal Singh, AAG, Haryana, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 14.02.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

- (5) Learned State Counsel, on instructions from ASI Manoj Kumar, acknowledged that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of above, interim order dated 05.12.2023 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 may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (9) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

14th February, 2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes