

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

CRM-M-63198-2023

Date of Decision:-26.02.2024

Tofik.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Munfaid Khan, Advocate for the Petitioner.

Mr. Rajiv Goel, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioners in case FIR No.571 dated 03.12.2023 registered under Sections 5/13(2) of the Haryana Govansh Sanrakshan & Gosamvardhan Act, 2015 registered at P.S. Sadar Nuh, District Nuh.

On 15.12.2023 the following order was passed:-

“ The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in case registered against him vide FIR No.571 dated 03.12.2023 under Section 5/13(2) of the Haryana Govansh Sanrakshan & Gosamvardhan Act, 2015 at Police Station Sadar Nuh, District Nuh.

The learned counsel for the petitioner inter alia contends that merely because cows and weapons were recovered from the place of occurrence would not actually lead to the

conclusion that the offence was likely to be committed. He, therefore, contends that no case for custodial interrogation is made out.

Notice of motion for 21.02.2024.

Mr. Ravish Kaushik, Addl.AG, 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.”

On 21.02.2024 the following order was passed:-

“ Separate status reports dated 20.02.2024 filed in the abovementioned cases on behalf of the respondent-State are taken on record.

The learned counsel for the petitioners, namely, Tofik and Aslam pray for one more opportunity to enable them to join the investigation in terms of the orders dated 15.12.2023 and

11.01.2024 respectively.

In view of the above, the aforementioned petitioners are directed to join the investigation once again on 23.02.2024 in terms of the orders dated 15.12.2023 and 11.01.2024 respectively.

Adjourned to 26.02.2024.

A photocopy of the order be placed on the file of the connected case.”

Despite the passing of the aforementioned orders the petitioner has sought another opportunity to join investigation on the ground that he is wanted in other other cases because of which he could not join investigation.

Be that as it may, as multiple opportunities have been given to the petitioner to join investigation but he has chosen not to appear before the investigating agency, I find no ground to grant him any further opportunity to join investigation and resultantly the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

February 26, 2024
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>