

283

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

CRM-M-37563 of 2016 (O&M)

Date of decision: November 09, 2016

Akil Ahmad

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Mukul Goyal, Advocate for the petitioner.

Ms. Rimplejeet Kaur, AAG Punjab.

A.B. CHAUDHARI, J (Oral)

Status report by way of affidavit of Assistant Commissioner of Police, Sahnewal, Ludhiana filed by learned State counsel today in Court, is taken on record.

Heard learned counsel for the rival parties.

In FIR No.89 dated 10.06.2016, under Sections 429, 295-A of Indian Penal Code, 1860 and Sections 3, 5, 8 of the Punjab Prohibition of Cow Slaughter Act, 1955 (for short 'Act'), registered at Police Station Meharban, District Ludhiana, the petitioner seeks anticipatory bail.

Learned counsel for the petitioner submits that the petitioner has been doing the business in question for the last several years and now, he has stopped the business of storage of fat. He further submits by inviting my attention to the bills from M.K.

Overseas Pvt. Ltd. that fat was purchased by the petitioner as a part of

business transactions. According to him, there is no offence made out under Sections 3, 5, 8 of the Act.

Per contra, learned State counsel inviting my attention to the status report by way of affidavit submits that admittedly, 300 tons of cow fat was recovered from the premises of the petitioner's company. The veterinary doctors were called for inspection and not only that, the samples were sent for F.S.L. Investigation which has confirmed that the samples were of cow.

After having heard learned counsel for the rival parties, I find that Joginder Pal son of Sher Singh has made a complaint, namely, fat was being stored by the petitioner at village Gaunsgarh and that was the cow fat running in thousands of tons hurting religious feelings. I quote Paras 2 and 3 from the above said status report by way of affidavit which read thus:-

- “2. That thereafter on the same day i.e. 10.6.2016 the police party headed by ASI Gurdial Singh raided the premises of the said S.K. Trading Co. at Village Gaunsgarh during which 300 tons cow fat was recovered from the premises of the said S.K. Trading Co. and Veterinary Doctors were also called at the spot who identified the said material as a cow fat and samples were also taken by the Veterinary Officers. During further investigation, it was revealed that the present petitioner is the owner/proprietor of the said firm and accordingly the petitioner was nominated as accused on 13.6.2016. Six persons namely (1) Meharban @ Khatmal S/o Jagir, (2) Mohd. Farman S/o Late Mohd. Ashraf, (3) Salim S/o Late Wajid, (4) Mohd. Israr @ Kala S/o Mohd. Islam @ Nanu, (5) Jisan S/o Late Fiju, (6)

Mohd. Shehjad @ Mastan S/o Late Iqbal all residents of Mohammadpur Garha, P.S. Janakpuri, District Saharanpur (U.P.), who were working for the petitioner in his said firm, were also nominated as accused and were arrested on 11.6.2016.

3. That samples were sent to the Forensic Investigation Laboratory at Mathura and as per the report of the Forensic Investigation Laboratory at Mathura, "Samples belongs to Cow or its Progeny". Copy of the report of the said Laboratory bearing no.4674 dated 2.7.2016 is annexed hereto as Annexure R-1. That apart from the present FIR, one more FIR No.150 dated 5.7.2016, u/s 295-A, 272, 420 IPC, P.S. City Jagraon, was registered against the petitioner but during the investigation, the said FIR has been cancelled because no Cow Fat was found in the contents."

Learned counsel for the petitioner states that the custody of the petitioner is not necessary as the other accused persons have already been arrested.

Learned State counsel submits that the police is required to find out the source of the fat and the cows who have been slaughtered, so also the persons named in the bills. For that purpose, custody is necessary. Having regard to the entire facts and the factual matrix, I find that since the cow fat from the business place of the petitioner was found in huge quantity, i.e. 300 tons, which found to be of cow on its investigation, the petitioner, prima-facie, committed offences under Sections 3, 5, 8 of the Act. The offences are serious and if the petitioner was doing the said business and storing the cow fat,

certainly, he is not entitled to grant the anticipatory bail. It is necessary to have custodial interrogation of the person(s) who supplied the cow fat to the petitioner.

In that view of the matter, I find no ground for granting anticipatory bail to the petitioner.

Petition stands dismissed.

(A.B. CHAUDHARI)
JUDGE

November 09, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No