

125.

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

CRM-M-32183-2017

Date of decision:31.08.2017

IKLAS

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Mazlish Khan, Advocate,
for the petitioner.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is to quash the order dated 15.07.2017 passed by learned Sub-Divisional Judicial Magistrate, Siwani in case FIR No.155 dated 14.07.2015 under Sections 279/336 IPC and Sections 5 & 8 of Punjab Prohibition of Cow Slaughter Act, 1955, registered at Police Station Siwani, District Bhiwani.

Vide order dated 15.07.2017 passed by learned Magistrate, the petitioner was declared as proclaimed person due to his non-appearance despite publication of proclamation. The FIR, as reproduced in para 4 of the petition, reads as under:-

“A Dumper without registration number driven by unknown driver, in which 3-4 boys seats in a very rash and negligent manner from village Mandoli to Kalali. I got suspicion that there are cow loaded in the truck, which is carrying with intention for cow slaughtering. Thus, on getting information I ASI along with companion police

officials went towards village Mandoli. When I ASI had gone towards village Kalali about 2 km, then I saw that a dumper with very high speed was coming from front side. But the dumper driver on seeing the police party turned the dumper towards Mandoli Banni. Thereafter, I ASI followed the dumper and subsequently, the dumper driver did not find any way for going and the dumper driver while leaving the dumper on the spot fled away with his associates. When, I ASI checked the Dumper then it was found that there are large numbers of cow by binding their legs and mouth loaded in the dumper. Then, I ASI along with the help of police companions opened the legs and mouth of the cows and plight them from the dumper and on counting there are 15 cows were loaded in dumper and on checking the Chasis bearing No.MAT448062B2A11684 & Engine No.31K63348489 were found and thereafter, the dumper and cows were taken to the police station as an evidence and the signature of the witnesses were also got recorded on the report. Unknown Dumper driver along with his associates while driving the dumper very rash and negligent manner and loaded the lot of cows in the dumper with intention for slaughtering an offence under section 279/33 6 IPC and provisions of 3/4/5 and 8 of Section 11 of Cow Slaughter Act, 1955 were appears to be committed. The said report is sent through C Sunil Kumar No.949 and after register the case may be intimated to this office and also be sent another investigating officer. ASI investigated the matter on the spot.”

Learned counsel for the petitioner states that as per the allegation, an unknown dumper was being driven by unknown person along with 3-4 boys in a rash and negligent manner. The police got suspicious that there are cows loaded in the truck with an intention for cow slaughtering. Petitioner was never arrested from the spot. He is the only bread earner of his family. The co-accused in the FIR were granted anticipatory bail.

I have heard learned counsel for the petitioner.

Taking into consideration the nature of allegation and the

appeared before the trial Court, this Court does not find any illegality in the order passed by the learned Magistrate.

Accordingly, present petition is dismissed.

(HARI PAL VERMA)
JUDGE

31.08.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No