

(218) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37745-2022
Date of Decision: 21.11.2022

MOHAMMED IMRAN

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Lakshay Bector, Advocate
for the petitioner.

Ms. Ramta Choudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.40 dated 01.07.2022 (Annexure P-1) registered under Sections 11 of Prevention of Cruelty of Animals Act, 1960 and Sections 4A, 4B and 8 of Cow Slaughter Act at Police Station City Raikot, District Ludhiana.

2. The present FIR came to be registered at the instance of Harish Sharma, who stated that he was the President of the *Gau Raksha Dal*, District Ludhiana. He received information that Ranjit son of Darshan Lal (since granted bail) and Mohammed Imran (petitioner) were a part of a gang that collects *Gau Dhan* and sends it to a slaughter house in Uttar Pradesh. Even on that day, they were taking cows which were brutally and carelessly loaded on a truck bearing No.PB-13-S-9971 to Malerkotla via Raikot from Mansa-Barnala side. They were to be subsequently, taken for slaughtering to a

slaughter house in Uttar Pradesh. If a *Nakabandi* was set up, the said persons could be apprehended with the cows.

Pursuant thereto, 14 Ox (bull) were recovered from the truck in question which was being driven by Ranjit Singh and the co-accused Mohammed Imran (petitioner) was sitting along with him.

3. The counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He was not the owner of the vehicle from which the alleged recovery of bulls has been effected. In fact, no slaughter or cruelty to the animals has been attributed to him. The petitioner was in custody since 01.07.2022 and none of the 07 prosecution witnesses had been examined. Therefore, the Trial of the present case was not likely to be concluded anytime soon. Even otherwise, he had clean antecedents with no other FIR registered against him. He thus, prays for grant of bail.

4. A reply dated 21.11.2022 has been filed on behalf of the respondent-State by the learned State counsel by way of an affidavit of Rachhpal Singh, PPS, Deputy Superintendent of Police, Raikot, District Ludhiana (Rural) and the same is taken on record. He submits that Ranjit Kumar along with his co-accused Mohammed Imran (petitioner) were arrested and 14 oxen were recovered from the truck. During the course of investigation, the statement of Dilshad was recorded under Section 161 of Cr.P.C. who stated that he was the owner of the truck and the same was used for transport of sugar from Uttar Pradesh to Punjab. Ranjit Kumar was appointed as a driver on the truck. The cattle had been loaded on the said

truck without his knowledge. He thus contends that *prima facie*, the culpability of the petitioner and his co-accused is established and therefore, the petitioner does not deserve the concession of bail.

5. I have heard the learned counsel for the parties at length.

6. Admittedly, the petitioner has been in custody since 01.07.2022. None of the 07 prosecution witnesses have been examined so far. The petitioner is a first time offender with no other case registered against him. Therefore, at this stage, the further incarceration of the petitioner is not required, moreso, when his co-accused Ranjit Kumar has been granted the concession of bail by this Court vide order dated 17.11.2022 passed in CRM-M-37811-2022.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Mohammed Imran son of Haji Said is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

21.11.2022

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No