

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

CRM-M-19710-2023

Date of Decision:-27.07.2023

Mir Mohammad.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Nakul Sharma, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 438 Cr.PC is for the grant of anticipatory bail in case FIR No.87 dated 27.05.2022 under Sections 295-A IPC and Section 5/8 of Punjab Prohibition of Cow Slaughter Act, 1955 registered at Police Station Machhiwara Sahib, District Ludhiana.

2. The present FIR came to be registered at the instance of one Raman Kumar who stated that he was the President of Punjab Youth Shiv Sena. He had received information from a press reporter that after killing cows and removing their skin the same had been thrown by some persons in the area of the canal bridge at village Pawat. He along with Neeraj Sihala, Indresh Yadika and their entire team had reached the canal bridge and saw few cow skins floating on water. Some persons had killed the cows and had thrown their skins in the Pawat canal. Legal action was sought against the accused.

During the course of investigation 27 cows skins were

recovered from the canal and investigation on other aspects of the case was conducted. On 11.06.2022 the complainant got recorded a supplementary statement to the effect that he had come to know that it was Latif, Roshan Deen, Sabil, Lal Hussain, Mir Mohammad (petitioner) and Mohammad Hussain who had slaughtered cows on 27.05.2022 and thereafter had dumped their skins/feet at the canal and removed the cow meat in some car. Mir Mohammad was stated to be the head of this group of accused. Based on this statement, the named persons were nominated as accused in the present case vide DDR No.38 dated 11.06.2022.

On 12.06.2022 the complainant got recorded his further supplementary statement disclosing the names of Barkat Ali, Mohd. Hanif, Mohd. Akram, Mohd. Irshad, Salamdin, Aslam, Saif Ali, Bag Hussain, Gani, Muradi Ali and Kali wife of Ayub as other accused. They were also nominated as accused vide DDR No.18 dated 12.06.2022.

On 12.06.2022 the accused namely Mohd. Hanif, Mohd. Akram, Irshad, Latif, Lal Hussain, Barkat Ali, Shabir were arrested along with Tata Ace Vehicle No.PB-10-GK-6929 and Mahindra Maximo Vehicle No.PB-03-AF-8908. During the search of the vehicles four iron ice breakers (sua barf), one iron dattar, one kulhadi/kohara, eight iron chhurian (kirch/knives), one plastic bag containing plastic ropes and one other rope used for tying cattles was recovered from Tata Ace Vehicle and four iron ice breakers (sua barf), one iron dattar, one kulhadi/kohara, eight iron chhurian (kirch/knives) along with two other iron Churrian (kirch/knives) that was smaller in size, one plastic bag containing plastic ropes and one other rope used for tying cattles came to be recovered from Mahindra Maximo Vehicle.

On 14.6.2022 Gani Ahmed was also arrested. On 15.09.2022 Mohd. Aslam @ Slamdin and Roshandin were arrested. On 17.09.2022

Mohad. Hussain, Saif Ali and Bag Hussain were joined investigation in compliance of the order of this Court. Similarly on 20.05.2023 accused Murad Ali was joined in the investigation in compliance of the orders of this Court. Based on the inquiry conducted by SHO P.S. Machhiwara, Mohd. Akram and Aslam were declared innocent.

3. The petitioner had approached this court by way of the present petition for grant of anticipatory bail. On 21.04.2023 the following order was passed:-

“ The petitioner seeks grant of anticipatory bail in case bearing FIR No.87 dated 27.05.2022 registered under Section 295-A IPC and Section 5/8 of Punjab Prohibition of Cow Slaughter Act, 1955 at Police Station Machhiwara Sahib, District Ludhiana.

The learned counsel for the petitioner contends that the coaccused namely, Murad Ali has been granted the concession of interim anticipatory bail by this Court vide order dated 08.02.2023 passed CRM-M-6518-2023 (Annexure P-4).

Notice of motion for 25.05.2023.

Mr. Kirat Singh Sidhu, D.A.G, Punjab accepts notice on behalf of the respondent-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 so 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, State counsel is directed to file an affidavit as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.

To be heard along with CRM-M-6518-2023.”

On 25.05.2023 the following order was passed:-

“ *The petitioner is directed to join investigation once again on 29.05.2023 at 10.00 AM.*

List on 07.07.2023.

Interim order to continue.”

4. Despite the aforementioned orders the petitioner has not joined the investigation. This fact has been admitted by the counsel for the petitioner as well. The Counsel for the State has filed a reply dated 07.07.2023. The same is taken on record. He has reiterated the fact that the petitioner has not joined investigation despite having been granted two opportunity to do so. Therefore, the conduct of the petitioner along with the nature of the allegations levelled against him do not entitle him to the grant of bail.

5. I have heard learned Counsel for the parties.

6. As per the prosecution case the petitioner is the main accused.

Be that as it may, he had been granted the concession of interim bail and had been asked to join investigation. However, despite two opportunities he has refused to do so. Therefore, he has violated the orders passed by this Court.

7. Keeping in view the aforementioned facts and the nature of allegations levelled against the petitioner as is evident from the reply dated 7.7.2023, no ground for the grant of anticipatory bail is made out.

8. Therefore, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

July 27, 2023

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