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

CRM-M-39451-2023

Date of Decision: 18.10.2023

Surinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mohit Kumar, Advocate,
for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.37 dated 13.06.2023, under Sections 4-A, 4-B and 8 of the Punjab Prohibition of Cow Slaughter Act, 1955, Section 11 of the Prevention of Cruelty to Animals Act, 1960 and Sections 473 & 120-B IPC registered at Police Station Sherpur Sangrur, District Sangrur.

2. It has been submitted by learned counsel for the petitioner that the allegations in the present FIR were that the police had intercepted a truck which was carrying 11 bullocks of white colour, 2 bullocks of red/brown colour and 1 bullock of black colour and thereafter, the present FIR was registered. He further submitted that the driver of the truck, who was carrying 11 bullocks of white colour, 2 bullocks of red/brown colour and 1 bullock of

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black colour was named as Jassa Masih and he was apprehended. During investigation, it was found that there were two number plates on the truck and one was the correct one and the other one was fabricated. He further submitted that in fact the petitioner has clean antecedents and is not involved in any other case whatsoever and he had rather sold the truck in the year 2019 to Alwinder Singh on affidavit but there was no application filed for transfer of the aforesaid truck to the RT Office and the aforesaid Alwinder Singh could not conduct his business pertaining to that truck since he was medically indisposed and regarding which he has also filed an affidavit vide Annexure P-3. Learned counsel for the petitioner also referred to the certificate issued by the truck union that the aforesaid truck bearing No.PB-10-DC-6259 has been entered in the truck union file in the name of Alwinder Singh from the year 2021 and even I-card with regard to the membership is also attached as Annexure P-5. He also submitted that although he has not transferred the truck but physically the truck was sold to the aforesaid Alwinder Singh, who was although himself was not using the truck because of his medical condition but the same was done by a driver, who was apprehended along with the truck and submitted that no culpability can be vested upon the petitioner in the present case especially considering the fact that he is not involved in any other case and is having clean antecedents whereas the driver, who was found and apprehended, is involved in other cases as well. He further submitted that now the petitioner has already joined investigation in pursuance of the order passed by this Court, therefore, the interim order dated 06.09.2023 may be made absolute.

3. On the other hand, Mr. H.S. Sitta, learned DAG, Punjab has

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submitted on instructions that it is correct that the petitioner has joined investigation but he has not fully co-operated with the investigation process. He further submitted that during investigation, it was found that the truck bearing No.PB-10DC-6259 which is a original number plate of the truck regarding which information was received from the RT Office, but there is a discrepancy in the engine number.

4. At this stage, learned counsel for the petitioner submitted that the petitioner has already given all the information to the police and it is a matter of official record which can be investigated by the police, but for this purpose custodial investigation is not warranted.

5. I have heard the learned counsels for the parties.

6. It is a case where the petitioner has clean antecedents and is not involved in any other case and as per allegations, a truck was caught with the driver, but as per the documents relied upon by the learned counsel for the petitioner, he had already handed over the physical possession of the truck to one person, namely, Alwinder Singh in the year 2019 and the same was being used as a truck for the purpose of transportation in the truck union, who had also given the certificate in this regard. So far as the discrepancy with regard to the comparison of the number plate and that of the engine number is concerned, the objections raised by the learned State counsel is not sustainable, in view of the fact that it is a matter of record which can be seen by the police at the time of investigation.

7. In view of the above, the objection which has been raised by the learned State counsel is not sustainable. Consequently, the present petition is

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allowed and the order dated 06.09.2023 is hereby made absolute.

18.10.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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|------------------------------|--------|
| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable: | Yes/No |