

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

**CRM-M-45869-2023 (O&M)
Date of decision : 16.10.2023**

Harjinder Singh Bains

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.0143 dated 17.07.2023, under Section 11(1) of the Prevention of Cruelty to Animals Act, 1960; Section 8 of the Punjab Prohibition of Cow Slaughter Act, 1955 and Section 295-A of the Indian Penal Code, 1860, registered at Police Station Sadar, Nabha, District Patiala.

(2) Above FIR was registered on the basis of statement made by complainant-Vikas Kamboj, who is Secretary of *Gau Raksha Dal*, Punjab, with the allegations that on 17.07.2023 at about 2:00 PM, he came to know that co-accused Sukhdev Singh in his truck bearing registration No.HR-69-B-6782 Make 1109 TATA is illegally transporting the cows and bulls for slaughtering. When complainant party reached near Bus Stand of Village Khurd, they saw the said truck and on enquiry, driver (Sukhdev Singh) told them that he is transporting cows and bulls towards Jammu side. Upon search by the complainant party, 12 cows/bulls were found in the truck. Information was given to the police and upon interrogation; Sukhdev Singh disclosed that he met with one Jolly @ Harjinder Singh Bains (petitioner) at Transport Ludhiana, who used to transport the cows and bulls for the slaughtering.

(3) This Court, vide order dated 25.09.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that petitioner has been nominated on the basis of disclosure made by co-accused, Sukhdev Singh, and he has no role in the alleged transportation of cattle.

Notice of motion.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response regarding the mechanism for running slaughter houses in the State of Punjab.

Posted for 28.09.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the

conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

(4) Learned State Counsel, on instructions from ASI Ved Parkash, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(5) In view of above, interim order dated 25.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(6) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(7) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(8) Disposed off accordingly.

(9) However, in case there is any recurrence on the part of petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

(10) Pending applications, if any, shall also stand disposed off.

October 16th, 2023

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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>