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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46479-2023 (O&M)

Date of decision: October 11, 2023

Surjit Singh @ Goldy

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sanjeev Kumar, Advocate for petitioner.

Mr. Mohit Thakur, AAG Punjab.

ARUN MONGA, J. (ORAL)

Following the denial of bail by the learned trial Court, the petitioner is now before this Court seeking his release as an undertrial in a case FIR No.123 dated 26.06.2023, registered under Section 4 of the Punjab Prohibition of Cow Slaughter Act, 1955, Section 11 of the Prevention of Cruelty to Animals Act, 1960 and Section 295 of the Indian Penal Code, 1860 (for short 'IPC') at City Sangrur, Police Station in Sangrur.

2. According to the prosecution's account, on June 26, 2023, the complainant, Amit Kumar, also known as Gariba, who serves as the President of Gau Raksha Dal in Sangrur, received confidential information regarding Jaggi, his wife Rajju, Laddi, and Bachittar Singh. The information alleged that they were involved in the theft of stray cows and that they manipulated the cows by injecting air into their teats to make it appear as though the cows could produce milk. These cows were loaded into a Canter with the registration number PB-07BZ-2196, intended for transportation outside Punjab for slaughter. The vehicle was driven by Kamaljit Singh, also known as Kala, with Surjit Singh (the petitioner) serving as the conductor. The cows suffered extreme cruelty, which deeply offended religious sentiments, leading to the registration of an FIR.

2.1. A barricade was set up, and the police signaled the approaching vehicle, driven by Kamaljit Singh, aka Kala. The vehicle contained 12 cows and 3 calves, all of

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which were recovered. Kamaljit Singh, aka Kala, and the petitioner were taken into custody, with the petitioner remaining in custody since then.

3. Primarily, the learned counsel for the petitioner argues that the petitioner's co-accused, Rajwinder Kaur, aka Rajju, and Bachittar Singh, have already been granted anticipatory bail by this Court through orders dated 25.08.2023 (Annexures P-2 and P-3). It is also noted that another co-accused, Kamaljit Singh, aka Kala, has been granted bail by this Court through an order dated 06.09.2023 (Annexure P-4) under CRM-M-43568-2023. The learned counsel asserts that the petitioner's case is in a more favorable position than that of the co-accused, who have received the concession of pre-arrest bail. Nevertheless, the petitioner remains in custody, according to his argument. Therefore, based on this ground alone, the petitioner is entitled to be released on bail during the trial.

3.1. The learned counsel for the petitioner contends that there is no evidence on record to suggest that the livestock seized from the truck driven by the petitioner were intended for slaughter. Moreover, it is emphasized that nothing incriminating has been found on the petitioner, and he is not needed for further custodial interrogation. There is no likelihood of the petitioner tampering with evidence or influencing prosecution witnesses. The learned counsel concedes that the petitioner is involved in two other cases but notes that he is out on bail for those cases.

3.2. Furthermore, the learned counsel for the petitioner argues that the entire prosecution's case is built on a false narrative, and the petitioner has been wrongly accused.

4. Per contra, the learned State counsel vehemently opposes the petition, expressing concerns about the petitioner potentially fleeing during trial proceedings if granted bail. He contends that the allegations against the petitioner are serious. He further submits that petitioner is involved in 02 other cases, but he is on bail in those cases.

5. I have heard the rival arguments and reviewed the case file.

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6. In response to a query from the Court, under instructions from ASI Hakam Singh, learned State counsel informs that the challan has already been filed. Thus, the investigation regarding the petitioner is complete, and he is not required for custodial interrogation.

7. At this stage, the allegations against the petitioner are subject to trial. The trial's progress has been slow, and it is anticipated to take a considerable amount of time. Bail serves the purpose of allowing an accused to remain free until their guilt or innocence is determined. In contrast, the petitioner has been in detention since June 26, 2023, for more than 03 months.

8. The petitioner's continued preventive custody is based on an unsubstantiated suspicion that he might tamper with evidence or influence witnesses. There is no probability of tampering with evidence as it has already been seized by the investigating agency.

9. Co-accused of the petitioner have already been granted concession of anticipatory bail/ regular bail by this Court.

10. Be that as it may, the offence allegedly committed by the petitioner is non-violent in nature, and in that sense, his release on bail does not pose a threat to society at large in terms of committing any violent crime.

11. The petitioner is stated to be a 32-year-old person. Having a fixed abode, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.

12. Considering the overall scenario, without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served by keeping the petitioner in further preventive custody.

13. Accordingly, the petitioner is ordered to be released on bail, in case not required in any other case, upon furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court, where his case is being tried, and in case he/she is not available, before the learned Duty Judge, as the case may be.

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14. In case the petitioner is found involved or gets involved in any offense while on bail, the prosecution shall be at liberty to seek the cancellation of his bail in the instant case.

15. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on the merits of the case, as they are for the limited purpose of the bail hearing alone, and the learned trial Court shall proceed without being influenced by this order.

16. Pending applications, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

October 11, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No