

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

CRM-M No.55267 of 2023
Date of decision: 9th November, 2023

Balwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. B.S. Beniwal, Advocate for the petitioner.

Mr. Digvijay Nagpal, Asst. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.158 dated 10.09.2023 under Sections 307, 429 IPC and Sections 3 and 8 of the Cow Slaughter Act, 1955 registered at Police Station Khanna City-2, District Ludhiana.

2. Learned counsel for the petitioner inter alia contends that on the face of it, a false and fabricated case has been planted upon him. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, it has been asserted that the vehicle, which was allegedly transporting beef meat, was neither owned by him nor was he present inside the vehicle when it tried to run over the members of the Gau Raksha Dal. He submits that it was three days later, a supplementary statement was recorded by the complainant

under Section 161 Cr.P.C., wherein for the first time, he merely stated that the petitioner also had a role to play in the transportation of the beef meat. Learned counsel further submits that the petitioner has clean antecedents, as he is not involved in any other criminal case, much less a case of similar nature; challan stands presented and charges have not yet been framed, hence, there is no likelihood of the trial concluding in the near future. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Sudagar Singh, has not been able to controvert the submissions of the counsel opposite with respect to his name having surfaced only three days later in the supplementary statement of the complainant, wherein also no specific role or allegation had been levelled against the petitioner. On further instructions, learned State counsel has apprised the Court that the next date of hearing fixed before the trial Court is 21.11.2023 when the charges are likely to be framed.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. Since investigation in the case in hand is complete and charges have not yet been framed, coupled with the fact that as many as 15 witnesses have been cited by the prosecution, the trial will take

considerable time to conclude. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

November 9, 2023

rps

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