

**CRM-M-63255-2023**

**-1-**  
2023:PHHC:163965

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

**CRM-M-63255-2023**  
**Date of decision : 20.12.2023**

MD. FIROJ NADAF ALIAS LAMBU

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Ms. Alisha Soni, Advocate  
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

**PANKAJ JAIN, J. (ORAL)**

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.117 dated 15.06.2023 registered for the offences punishable under Sections 3, 8 of Punjab Prohibition of Cow Slaughter Act, 1955 and Section 11 of Prevention of Cruelty to Animal Act, 1960, 295-A, 201 IPC and Section 25 of Arms Act, 1959 at Police Station City Sangrur, District Sangrur.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Counsel for the petitioner relies upon the order dated 1<sup>st</sup> of December, 2023 passed by this Court in CRM-M-59237-2023 whereby co-accused Mohd. Muhktar has been granted regular bail observing as under :

“1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.117 dated 15.06.2023, registered for the offences punishable under Sections 3 & 8 of The Punjab Prohibition of Cow Slaughter Act, 1955, Section 11 of The Prevention of Cruelty to Animal Act, 1960 and Section 295-A/201 of IPC, 1860 at Police Station City Sangrur, District Sangrur.

2. Counsel for the petitioner inter alia relies upon order dated 14.11.2023 passed in **CRM-M-49408-2023** and other connected petitions whereby co-accused namely Mohd. Harun and others have been ordered to be admitted to regular bail. He submits that the petitioner is on better footing as the only allegation against him is that the main accused supplied him beef.

3. Counsel for the State is not in a position to dispute the fact that the petitioner would be better situated vis-a-vis other co-accused who have been granted bail observing as under:-

1. By way of these five petitions under Section 439 Cr.P.C., the petitioners are seeking regular bail in FIR No.117 dated 15.06.2023, registered for the offences punishable under Sections 3 & 8 of The Punjab Prohibition of Cow Slaughter Act, 1955, Section 11 of The Prevention of Cruelty to Animal Act, 1960 and Section 295-A/201 of IPC, 1860 at Police Station City Sangrur, District Sangrur.

2. As per the contents of the FIR, it has been alleged as under:-

“Copy of written statement, Statement of Soni Singh resident of Near Hanuman Mandir Haripura Basti, Sangrur, aged about 40 years, Mobile No.94642-05629, stated that I am resident of the above said address and does the job of Car Painter. On 13.06.2023, at about 09.00 P.M., I was going from market to home after making purchases of household items. When I reached near Haripura Cremation Ground, then Mohammad Sahil son of Mohammad Ismail and Mohammad Harun son of Mohammad

Ibrahim, residents of near Tikiya Wali Factory, Haripura Basti, Sangrur, of them were taking a white cow by putting rope around cow's neck and leading to towards pit, Military Area, Haripura. They were accompanied by Namru, Sadam, Mukhtiar, residents of Haripura, Babra, resident of Haripura, Lambu and Mantu and other known persons were accompanying them. When at about 04.00 P.M., I went towards pit side, Haripura Basti for a walk, then I saw that a white cow had been left dead after chopping of her neck. When, I carefully noticed it, then I saw that it was the same cow, to whom yesterday night, Mohammad Sahil and Mohammad Harun above said had taken the cow by putting rope in cow's neck towards Military Area. I am fully sure that above said Mohammad Sahil and Mohammad Harun had chopped of neck of cow for eating had mercilessly killed the cow. These persons had removed meat for eating and the rest of the body has been shredded. In this way, they have killed the cow had injured and violated the sentiments and norms of Hindu Religion by killing cow. Then I returned to my house on foot. I was very much shocked by this incident. Then after thinking about it, I along with my uncle's son Sukhveer Singh son of Nirmal Singh, resident of Haripura Basti Sangrur were coming to your goodself to Police Station City Sangrur to give a report, then yourself goodself alongwith Police party have met near Post Office, Sangrur. I have got recorded my statement, read it, heard it and admit it to be correct. Legal action be taken against Mohammad Sahil, Mohammad Haarun, Namru, Sadam, Mukhtiar, residents of Haripura, Babra resident of Haripura, Lambu and Mantu above said and other known persons."

3. Challan already stands presented and investigation has concluded. Petitioners are behind bars for more than

04 months.

4. Counsel for the State submits that the allegations are serious in nature. However, he does not dispute the aforesaid factual assertions based on record.

5. Keeping in view of above, the present petitions are allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

7. A photocopy of this order be placed on the files of other connected cases.”

4. Granting parity, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

5. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.”

4. Thus, he claims parity.

5. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner based on record.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner i.e. for last more than 6 months and 4 days, and granting parity *viz-a-viz* Mohd. Muhktar, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial

Court/Duty Magistrate concerned.

8.           Needless to say that anything observed hereinabove shall not  
be construed to be an expression of opinion on the merits of the case.

**December 20, 2023**  
**Dpr**

**(Pankaj Jain)**  
**Judge**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |