

233

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 61532 of 2023

Date of Decision:- 12.12.2023

DALVIR SINGH ALIAS LALA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sahil Vashishat, Advocate, for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
197	22.09.2023	3,4, 4A, 8 of the Punjab Prohibition of Cow Slaughter Act, 1955, Section 12 of the Prevention of Cruelty of Animals Act, 1960 and 34 of IPC	City Rampura, District Bathinda

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is in custody since 23.09.2023 and has been falsely implicated in this case. He submits that challan has already been presented

in Court, as such the petitioner is not required for further investigation of the case. He further submits that co-accused have already been granted concession of bail by learned trial Court (Annexure P-2 to P-4) and prays for grant of concession of bail to the petitioner.

3. *Per contra* learned State counsel submits that the petitioner is not entitled to concession of bail considering the gravity of offence. He has placed on record custody certificate dated 11.12.2023 of the petitioner. However factual position has not been disputed by the learned counsel for the State.

4. After considering the respective submissions and perusing the record, it transpires that the instant FIR was registered on the basis of some secret information that some persons were carrying cow by loading in truck for sending the same to other States. Accordingly, the petitioner along with other co-accused were apprehended while transporting cows in a truck on 23.09.2023. Admittedly, the challan has already been presented in Court and the co-accused have already been granted concession of bail. The petitioner is in custody since 23.09.2023, it is observed that no purpose would be served by detaining any person in a case which is triable by a Magistrate and criminal liability, if any, on the petitioner would be determined after completion of trial which will take sufficient long time.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the

satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

12.12.2023

Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |