

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-11542-2024

Date of Decision:-11.03.2024

Varinder Singh @ Bunty.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Simrandeep Kaur, Advocate for
Mr. Jagtar Singh Sidhu, Advocate for the Petitioner.

Mr. Deepinder Singh Brar, Senior Deputy Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.123 dated 14.10.2016 under Sections 11 of The Prevention of Cruelty to Animals Act, 1960, Sections 295, 279, 429 IPC and Sections 4A, 4B and 8 of The Punjab Prohibition of Cow Slaughter Act, 1955 registered at Police Station Moonak, Police Sangrur.

2. The present FIR came to be registered at the instance of Sh. Puneet Jain son of Sh. Darshan Kumar which reads as under:-

“ Statement of Puneet Jain S/o Sh. Darshan Kumar, caste Aggarwal resident of Near Punjab National Bank Bareta, District Mansa aged about 30 years, Mobile No. 98556-14444 stated that I am the resident of above mentioned address and the resident of Gau Raksha Dal (Cow Protection Group) Bareta. Today I received credible secret information that cows are being transported by Jakhal for slaughter in the trucks passing through

this road. Today I accompanied Subhash Kumar S/o Jagdish Rai, caste Aggarwal, resident of Ward No. 4, Khanori were going to village Ballaran via Village Kadail link road on private vehicle. At about 11 A.M. we saw a truck was turned upside down in the paddy crop beside the Kadail to Ballaran road which was thoroughly covered in tarpaulin sheet. We went closer to it and noted that it was bearing Registration No. PB-10BS-2301. Upon making an enquiry we came to know that the paddy field where the truck was lying, belong to Atma Singh S/o Jai Ram Singh, Caste Kamboj resident of Village Kadail. We informed about the same to Moonak Police and with the help of the villagers we opened the tarpaulin rapped around the above mentioned truck and found that there were 6 bulls were alive and other 6 bulls were dead due to overload and suffocation. The alive bulls were taken care of with the help of villagers. The unknown persons were carrying away these bulls on this truck bearing registration No. PB-10BS-2301 in an illegal manner for slaughter. The above mentioned truck had turned upside down due to rash and negligent driving and the bulls got injured. A strict legal action may kindly be taken against above mentioned truck drivers and other unknown persons. Because there is a complete ban on slaughter. The statement has got recorded, heard over and verified the same is correct. Sd/- Puneet verified by Subhash Kumar.”

3. During the course of the investigation, the owner of the truck namely Hardeep Singh came to be apprehended who disclosed the name of the present petitioner.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Initially he has been granted the concession of bail but on account of stress due to various factors, he could not attend the proceedings between 3.2.2023 to 20.11.2023 because of which he was declared a proclaimed offender. However, he surrendered on the same day after which he was continuing in custody. As

the petitioner was a first time offender, in custody since 20.11.2023 but only 02 out of the 16 PWs have been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The learned State counsel on the other hand contends that the petitioner was granted the concession of bail. He misused the same and absconded from the Trial and was subsequently declared a proclaimed offender. Therefore, he was not entitled to the concession of bail. He however, concedes that that the petitioner was a first time offender, in custody since 20.11.2023 and only 02 out of 16 Pws had been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner was arrested and granted the concession of bail. Thereafter he remained absconding for 09 months after which he was declared a proclaimed offender. Now he is in custody since 20.11.2023 and only 02 out of the 16 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Varinder Singh @ Bunt** son of Sh. Jaipal Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the

cases mentioned in this order.

10. In addition petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 11, 2024
Vinay

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