



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12223-2024

Date of Decision : 14.08.2024

MOHAMMAD SHARIF ALIAS SHARIF ALI ALIAS MODI AND
OTHERS

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. G.S.Binder, Advocate for
Mr. S.K.Choudhary, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 07.03.2024, a co-ordinate bench of this Court had passed

the hereinafter extracted order, upon the instant petition:-

“Apprehending their arrest in FIR No.17 dated 21.02.2024, registered for offences punishable under Sections 427, 429 of the Indian Penal Code, 1860 and Sections 3, 8 & 11 of Prevention of Cruelty to Animals Act, later on added Section 8 of Punjab Prohibition of Cow Slaughter Act, at Police Station Taragarh, District Pathankot, the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioners inter alia submits that the only allegation is suspicion on behalf of the complainant that the cattle was being transported for slaughter.

Issue notice of motion, returnable for 07.05.2024.

Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/State.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the Arresting Officer/ Investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. A perusal of the last order dated 29.07.2024, reveals that in deference to the making of the hereinabove extracted order, the petitioners no.1 and 3, have joined investigation and have fully co-operated with the investigating officer. This Court on the request of learned counsel for the petitioner, petitioner no.2 was given on more opportunity to join the investigation, however, subject to depositing a cost of Rs.10,000/- in the DLSA concerned.

3. Today, learned State counsel, on instructions imparted to him by ASI Balkar Singh, informs this Court that despite giving ample opportunities to petitioner no.2 to join the investigation, he has neither joined the investigation nor deposited the cost (*supra*).

4. In view of the above, the hereinabove extracted interim order dated 07.03.2024, is hereby made **absolute *qua* petitioners no.1 and 3 only**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

5. This order should not be treated as “blanket” order. It will not be read granting petitioners no.1 and 3, indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

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

7. The instant petition is hereby **dismissed** *qua* petitioner no.2,
on account of not complying with the directions (*supra*).

August 14, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No