



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-30655-2024

Date of decision: 05.07.2024

Javid Ahmad Laway

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Babbar Khan, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.158 dated 10.09.2023 under Sections 307, 429, 120-B of the IPC and Sections 3 and 8 of the Punjab Prohibition of Cow Slaughtering Act, 1955 registered at Police Station City-II Khanna, District Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 10.09.2023 and following his arrest not only is the investigation in the instant case complete, as challan stands presented but even the charges have been framed. However, the trial has not proceeded beyond framing of charges as none of the 15 prosecution witnesses cited by the prosecution have been examined till date. It has also been brought to the notice of this Court that co-accused Bikash Pariyar @ Vikas Pariyar @ Joshan Pariyar who too was allegedly accompanying the petitioner at the time of the alleged



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occurrence, has since been extended the concession of bail by this Court vide order dated 08.01.2024 (Annexure P-3). While drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, learned counsel has further argued that allegedly the petitioner was driving a vehicle carrying cattle for the purpose of cow slaughter along with 250 boxes of beef; the petitioner in a rash and negligent manner tried to collide with the vehicle of the complainant, however, even as per the admitted case of the complainant no injury was sustained by the complainant party. Learned counsel submits that there was no supporting evidence collected by the police to even remotely show that the vehicle driven by the petitioner ever collided with the vehicle of the complainant.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner and also the stage of trial. It has been submitted that the next date before the learned Trial Court is 11.07.2024 when prosecution evidence is likely to commence. Learned State counsel on further instructions has also not controverted that it is a case of no injury and there was no evidence collected by the investigating agency to show that the vehicle being driven by the petitioner had indeed collided with the vehicle of the complainant. However, learned State counsel has reiterated the allegations levelled in the FIR in question.

4. On a pointed query put to the learned State counsel, he, on instructions, has submitted that the petitioner is not involved in any



other criminal case much less a case of similar nature.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. Before proceeding further, it would be relevant to reproduce the contents of the FIR which read as under:-

“Statement of Satish Kumar son of Charan Dass Resident of House No. B-1/1484 Mittal Street, Old Rajpura Police Station City Rajpura, District Patiala, Aged around 61 Years, Phone Number 98142-52878, Stated that I am resident of above mentioned address and I am President of Cow Protection, yesterday on dated 09.09.2023 time at around 10.00 hrs. at Night information was received that in the boxes of meat of Chicken, fish, boxes of Cow meat have been loaded in one vehicle white coloured covered body AC Container number JK- 01AP-8005. Driver of this vehicle is Javed son of Gulam Qadir Resident of Paspur Police Station Paspur District Shri Nagar Jammu Kashmir and along with him helper Vikas Priyar Resident of Nepal which has been loaded and sent from Dasna Meat Market U.P. by Ashwad son of Samsad Resident of H. No, 104 Devi Ganj Uttri Bazaar Amin Nagar Sarai Ruller Bagwat Uttar Pradesh for Kalo, Fish L Company Satwal Singar. Upon getting this information same was shared with the members of the Team of Cow Protector, then members of our Team affixed duties to trace the vehicle and to seize it at different placed in Punjab then today in the morning above number Truck was passing in front of Macdonald Khanna then we identified the Truck after informing to Police Party, tried to stop above numbered the Truck/Container then the driver of the Truck instead of stopping the vehicle tried to run over the Truck upon our vehicle with an intention to kill us and sped away his vehicle, next members of our Team Rajesh Sharma who was standing on next cut. Who with his alertness stopped the vehicle near Guru Amardas Market cut, then after some time Police Team reached the spot. You have come to the spot. While calling you at the spot the vehicle was checked by opening it then upon checking in the above mentioned container underneath loaded boxes of fish around 250 boxes of Cow Meat have been stashed. Who by doing so have caused prod to our religious sentiments, because we in Hindu Society worship Cow like mother because by doing so by above named persons it creates danger of taking place of riots amongst 2 factions. Because these above named persons and businessmen all

belongs to Muslim community, there is Ban of killing of Cow and smuggling of Cow meat in the State of Punjab. I have recorded my statement to you, heard it, understood it, it is correct. Appropriate action may be initiated please. Sd/- Satish Kumar 98142-52878.”

7. The investigation in the case at hand is complete as challan stands presented. The trial is unlikely to conclude in the near future as none of the 15 witnesses have been examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

05.07.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No