

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

(118)

CRM-M-60470-2025 (O&M)

Date of decision : 16.03.2026

SALMAN @ RAJA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amandeep Singh, Advocate for the petitioner

Mr. Roshandeep Singh, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The instant petition has been preferred by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for grant of regular bail in case arising out of FIR No.22 dated 12.03.2022 registered under Sections 3, 5 and 8 of Prevention of Cow Slaughter Act, Section 295A of IPC and Section 153, 153A, 212, 216, 120B, 420, 473 of IPC and Section 11 of Prevention of Cruelty to Animal Act, 1960 added later on at Police Station GRP Jalandhar, District Govt. Railway Police.

2. The aforementioned FIR was registered on the allegations that on 12.03.2022, a Police party headed by ASI Amritpal Singh received an information to the effect that some cows were slaughtered in the vacant land existing in the area in between Railway Station, Tanda to Cholang. On this

information, the Police party reached there and found that some unknown persons had transported cows and calves in a vehicle and had slaughtered them with some sharp edged weapons thereby intending to outrage the religious sentiments of the public. 17 heads and carcasses of the dead cows/bullocks, 03 ear tags of cows, 03 pricks, some sharp edged knives, axe laced with blood stains, empty liquor bottle, some empty sacks, 20 sacks full of potato, a stepney rim alongwith the tyre of Bolero SUV vehicle were recovered from the stop. The post-mortem of the body parts/carcasses was done.

3. During investigation, one Jaspal Singh @ Jassa approached the Investigating Officer and disclosed the names of Fariyad Ali, Arshad Ali and Rashid alleging that they alongwith 8-10 accomplices had slaughtered cows and also disclosed the name of some other persons who had picked up and collected some stray cows and purchased some of them and had handed over to Fariyad Ali and Arshad Ali. It was also informed by him that some cows had been transported to Tanda by accused Surjit Lal @ Sonu and some cows were transported by accused Fariyad Ali. They were nominated as such and were arrested on 18.03.2022. On the basis of disclosure statement of accused Fariyad Ali, the petitioner was nominated as an accused. He was arrested on 14.08.2025. Co-accused were also apprehended. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused which cannot be considered to be admissible in evidence. He is alleged to have cut the beef into pieces and further alleged to have transported the animals at the

place of occurrence in a Mahindra Bolero. He was not named in the FIR. No recovery has been effected from him. He is in custody since long. The co-accused Haider Khan, Sandeep Kumar and Mohd. Laeeq have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that he deserves to be released on bail.

5. Per contra, learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner alongwith the co-accused is alleged to have slaughtered cows/calves/bullocks with an intent to outrage religious feelings. However, it is only a matter of trial and only after thorough assessment of the evidence to be produced during trial that any conclusion as to the applicability of the provisions of Section 153A and 295A of IPC can be drawn and not at this stage. The subject offences are triable by Magistrate. The petitioner is in custody for a period of about 07 months. He is not required for further investigation. The trial will obviously take considerable time to conclude since not even a single witness has been examined so far. As per the custody certificate, he is shown to be involved in a case under Sections 272, 273 and 307 read with Section 34 of IPC but he cannot be denied benefit of bail only on that ground alone. The well settled proposition of law is that bail is the rule and jail

is an exception. Pre-trial incarceration should not be replica of post-conviction sentencing. The object of the jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. Taking into consideration the above discussed facts, this Court is of the considered opinion that the continued detention of the petitioner would not serve any useful purpose. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned and on the following conditions :-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) The petitioner shall appear before each and every date of hearing.
- (iv) The petitioner shall provide his permanent address as well as present address before the learned trial Court at the time of furnishing of bonds and shall not change the same without informing the trial Court.
- (v) The petitioner shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court at the time of furnishing of bonds and in case, any change in his mobile phone number takes place, then he shall

inform about the same to the learned trial Court in advance and shall keep his mobile phone switch on all times.

(vi) The petitioner shall deposit his passport, if any, with the learned trial Court.

8. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

9. It is, however, clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

10. Since the main petition has been allowed pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

16.03.2026
Amit Sharma

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