

ORDER SHEET
IN THE LAHORE HIGH COURT, LAHORE.
(JUDICIAL DEPARTMENT)

Case No. Crl. Misc. No. 38478-B/2024

Naveed Tariq and another.

Versus

The State etc.

Sr.No.of order/ Proceedings	Date of order/ Proceedings	Order with signatures of Judge, and that of parties or counsel, where necessary.
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25.06.2024 Mr. Shameem Ahmad Pervez, Advocate for the petitioners.
Mr. Muhammad Usman Saleem Chaudhary, Legal Advisor Food Authority.
Ms. Asmat Parveen, Deputy District Public Prosecutor.

Through this petition under Section 497 Cr.P.C., petitioners seek bail after arrest in case FIR No. 1320 dated 16.05.2024 registered at Police Station Thekriwala, District Faisalabad for non bailable offences under sections 22-A (punishable up to five years' imprisonment) & 24 (in this case 6 months' imprisonment) of the Punjab Food Authority Act, 2011.

2. As per prosecution story, on 16.05.2024 at about 03:00 p.m., Food Safety team inspected a vehicle bearing registration No.8789-CAR and found 15 mounds/600 Kilograms meat which was checked by Veterinary Officer Livestock Dr. Robi Tabassum and declared it as unfit for human consumption; petitioners could not produce any record of sale & purchase of said meat nor any agreement or delivery challan in this respect during inspection; quantity of dead meat was suspected to be transported at different food points; resultantly was destroyed by the Food Safety team at the spot.

3. Learned counsel for the petitioners contends that allegations levelled against the petitioners are false because they have been dealing with supply of meat for the last about 15/20 years with no complaint whatsoever in this regard and on the day, they were also carrying fresh meat with verified stamp of Incharge slaughter house; further states that offences do not fall within the prohibitory clause of section 497 Cr.P.C., and bail in such like

offences is a rule. Learned counsel for the petitioners, however could not substantiate his arguments through any document on record.

4. Learned legal advisor for Punjab Food Authority opposed the bail with the submissions that the crime committed by the petitioners is not only inhuman but also against the society putting the lives of masses at stake. It is learnt that in routine such dead meat is reportedly used in restaurants, banquets, food kiosks and on renowned Shawarma points. Learned Deputy District Public Prosecutor has also opposed the bail on the ground that Destruction Form prepared by the food safety team was also handed over to the petitioners at the site leaving no chance of misstatement so as to provide a clue in favour of the petitioners that they were carrying healthy meat. Further stated that not falling in prohibitory clause does not provide premium to petitioners to seek bail in offences which are considered against the society.

5. Heard; record perused.

6. The material in the form of statements of veterinary doctor & food safety officers, vehicle carrying dead meat, Destruction Form, and non-provision of sale purchase record of said meat or agreement for delivery or transportation to a certain food point or certificate from a slaughter house, clearly indicate the criminal liability of the petitioners, not only under penal provisions of Punjab Food Authority Act, 2011 but under the provisions of the Punjab Animals Slaughter Control Act, 1963 (the Act).

According to section 3(3) of the Act, a person shall not:

(a) sell, keep, store, transport, supply, offer or expose for sale, or hawk any meat or carcass of a:

(i) haram animal or of an animal which died of, or has suffered from contagious diseases or has been poisoned to death, or died because of gunshot wound or electrocution;

(ii) meat or carcass of any animal which has been slaughtered in contravention of this Act or does not bear the stamp, mark, tag or certification of the slaughter-house specified by the concerned local authority;

Section-8 (2) of said Act prescribes the sentence of offence as under;

“If a person contravenes any provision of clause (a) of subsection (3) of section 3, he shall be punished with imprisonment which may extend to eight years but which shall not be less than four years and with fine which may extend to five hundred thousand rupees but which shall not be less than three hundred thousand rupees.”

(Emphasis supplied)

Under the Punjab Animals Slaughter Control Act, 1963, Courts are authorized to presume the commission of offences as reflected from following provision;

3A. Presumptions.- In every prosecution under this Act, the court shall presume that any:

- (a) meat or carcass found in possession of any person who is, or has been, habitually selling, keeping, storing, transporting, offering or exposing for sale, or hawking the meat or carcass, was being sold, kept, stored, transported, offered or exposed for sale or hawked by such person;
- (b) meat or carcass which does not bear the stamp, mark, tag or certification of a slaughter-house has been slaughtered in contravention of the Act.

Thus, if the allegations are not rebutted, the Court shall not wait for formal proof rather presume the commission of offence so as to punish the offenders.

7. It is trite that while dealing with bail petition Court can consider as to what offence is made out from facts and circumstance of the case. Reliance is placed on case reported as “MUHAMMAD WAQAS versus THE STATE” (**2002 SCMR 1370**). Above offence under the Act is so serious that for its prevention government has proposed a reward for providing information about commission of such offence as reflected from following provision of the Act;

“10. Reward to informers.— The court trying an offence under this Act may direct that an amount not exceeding seventy five percent of such sum as may be realized by way of fine or under section 517 of the Code, be awarded to the person or persons supplying information relating to the commission of the offence under the Act.”

8. There are serious allegations against the petitioners and eye winking of such offence would open a gateway for such elements to play with the health of citizens. Some of the diseases afflicted due to consumption of such items last for years and even till death but on the other hand healthy meat is safer to eat, it enhances metabolism, tastes better, more hygienic and improves immune system, therefore, by all means, offences committed by the petitioners are against the society at large and a quantity of 15 mounds/600 Kilograms dead meat cannot be planted to set up a fake case against the petitioners.

9. Though the offences do not fall within the prohibitory clause of section 497, Cr.P.C. but it is not the rule of thumb to grant bail to accused in offences not falling within such category as a matter of right if the case falls in exceptions like offence against society. Reliance in this respect is placed on case reported as "MUHAMMAD SIDDIQUE versus IMTIAZ BEGUM and 2 others" (2002 SCMR 442). Similar expressions are in cases reported as "RASHAD IMRAN Versus The STATE and another" (2022 SCMR 1304); "UMER KHAN Versus The STATE and another" (2022 SCMR 216); "ALLAH YAR and 4 others Versus The STATE and another" (2023 P Cr. L J Note 60): "IRFAN SARWAR Versus The STATE" (2022 P Cr. L J Note 71). From the material evaluated tentatively, no 'reasonable grounds' as contemplated in section 497 (2) Cr.P.C., are available to extend concession of bail. Under such exceptional circumstances, the petitioners do not deserve to be released on bail. Hence, the titled petition is dismissed.

**(MUHAMMAD AMJAD RAFIQ)
JUDGE**

Approved for reporting:

Judge