

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

Date of decision : 28.01.2015

1.

CRM-M-38445-2014

Sanjay Puri

... Petitioner

Versus

State of Punjab

... Respondent

2.

CRM-M-41590-2014

Rajesh Puri

... Petitioner

Versus

State of Punjab

... Respondent

3.

CRM-M-1240-2015

Acharya Budh Ram

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr.H.K.Brinda, Advocate
for the petitioner (in CRM-M-38445 & 41590-2014).

Mr.H.S.Brar, Advocate
for the petitioner (in CRM-M-1240-2015).

Mr.Sandeep Kumar Bansal, AAG, Punjab.

REKHA MITTAL, J.

This order will dispose of aforesaid petitions as these have

emerged out of FIR No.130 dated 15.10.2014 registered in Police Station Sadar Rupnagar, District Rupnagar for offence punishable under Sections 9, 39, 49, 51 of the Wildlife (Protection) Act 1972 (in short 'the Act').

Counsel for the petitioners Sanjay Puri and Rajesh Puri would submit that they are in custody since 15.10.2014 and no longer required for the purpose of investigation. Challan has been presented in the Court and conclusion of trial is likely to take its own time. There is no other criminal case much less under the Act registered against them. They are ready to face proceedings for the charged offences, triable by the Court of Judicial Magistrate.

Counsel representing Acharya Budh Ram Sharma, has submitted that he has been indicted in the crime on the basis of statement made by co-accused from whom the alleged recovery has been effected. He has echoed the other submissions made by counsel for the co-accused.

Counsel for the State has not disputed factual assertions but opposed the prayer for bail with the submission that offence under the Act are serious in nature and the Act has been amended from time to time to make its provisions stringent to save wildlife particularly species under the threat of extinction.

I have heard counsel for the parties and perused the records.

The petitioners are in judicial custody and on completion of investigation, challan has been presented in the Court and charge has been framed. There is no allegation against the petitioners that they are likely to tamper with the prosecution evidence much less fleeing from process of justice in case enlarged on bail. There is no other criminal case registered

against them under the Act much less they being previous convict. The offences for which they have been charged are triable by the Court of Judicial Magistrate.

Without meaning to express any opinion on merits of the controversy, bail to the petitioners subject to their furnishing bail bonds to the satisfaction of the trial Court. However, they shall abide by the following conditions:-

- (i) they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) they shall not leave India without the previous permission of the Court.

(REKHA MITTAL)
JUDGE

January 28, 2015.

DK