

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.21509 of 2016 (O&M)
Date of decision : 14.07.2016

Asra

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vaneet Soni, Advocate for the petitioner.

Mr. Satish Saini, DAG, Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case F.I.R. No.59 dated 08.06.2016 registered under Sections 147, 149, 186, 188, 353, 379, 504, 506 IPC and Sections 21 (1) and 21 (4) Mines and Minerals (Regulation of Development) Act, 1957 at Police Station Khizarabad, District Yamunanagar.

Learned counsel for the petitioner has argued that the allegations are that when the leading party of the Forest Department went to check illegal mining in some area near dhaba of the petitioner, the petitioner alongwith 15-20 people assaulted them. Thereafter three days later the

forest officers again conducted the raid. The forest people alongwith the police party were able to seize some illegal stone which had been illegally mined. It is alleged that the petitioner is facilitating this illegal mining and cutting.

Learned counsel for the petitioner has argued that in the FIR there is a false averment that the petitioner has encroached the land whereas no land has been encroached and actually the petitioner has been singled out for speaking against the corruption of the forest department.

Learned Deputy Advocate General, on instructions from ASI Ranvir Singh as accepted this fact that there is no encroachment made by the petitioner.

In view of the facts and circumstances of the case, without going into the merits of the case, I deem it appropriate to grant the concession of anticipatory bail to the petitioner.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

July 14, 2016
pooja sharma-I

(AJAY TEWARI)
JUDGE