

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

214

CRM-M-11855 of 2017

Decided on : 24.04.2017

Satpal alias Satta

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM : HON'BLE MR.JUSTICE DARSHAN SINGH

Present : Mr.Ashit Malik, Advocate
for the petitioner.
Mr.B.S.Virk, DAG, Haryana.

Darshan Singh , J. (Oral)

This application has been moved by petitioner-accused, Satpal alias Satta for grant of regular bail in case FIR No.34, dated 27.03.2016, under Sections 379, 411, 420, 451, 467, 468, 471, 201, 120B, IPC and Sections 27, 29, 35(5) of Wild Life Protection Act, 1972, registered at Police Station Khizrabad, District, Yamuna Nagar.

As per prosecution allegation, on 27.03.2016, on routine checking of the forest area of Kalesar, a truck bearing registration No.HR38L-1737 loaded with khair wooden logs was seen by the officials of the forest department. The said logs were bearing the government hammer (engraved stamp). After inquiry, it was found that the said hammer signs were fabricated on the wooden logs and an effort was made to cover up the act of theft of khair wood. Accused Satpal was arrested in this case on 25.02.2017 and since then, he is in custody.

Learned counsel for the petitioner pleaded that the petitioner's firm has a licence to sell and purchase the wood and he has sold the woods in a legal manner. If any mischief has been made by the driver of the vehicle, he cannot be held responsible for the said act. He further contended that the petitioner is in custody for the last more than two months and he is no longer required for the purpose of investigation.

Co-accused of the petitioner namely Ali Hasan who alleged to have made false marking on wooden logs, has been granted anticipatory bail by this Court.

On the other hand, learned State counsel has opposed the prayer of the petitioner on the plea that he has sold the stolen khair woods by fabricating the hammer marks.

The aforesaid contentions have been duly considered.

This fact is not disputed that co-accused Ali Hasan, against whom there were allegations that he has fabricated the marks on the wooden logs, has been granted anticipatory bail by this Court. The allegations that accused/petitioner has played a role in fabricating the hammer marks on the wooden logs and documents will require consideration at the time of trial. The stolen wooden logs were seized and have already been released on Superdari. Petitioner is in custody for the last about two months and is no longer required for the purpose of investigation. The case is triable by the Presiding Officer, Special Environment Court. The finalization of the investigation will take long time as one of the co-accused is yet to be arrested. So further detention of the petitioner in jail will not serve any purpose.

Therefore, the present petition is hereby allowed. Petitioner-accused, Satpal alias Satta is ordered to be released on bail on furnishing the personal/surety bonds to the satisfaction of the Presiding officer, Environment Court, Kurukshetra.

24.04.2017
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[**Darshan Singh**]
Judge

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No