

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 16273 of 2017(O&M)

Date of Decision: May 30, 2017

Balwant Singh

...Petitioner

Versus

State of Haryana

...Respondents

CRM-M No. 16298 of 2017(O&M)

Balwant Singh

...Petitioner

Versus

State of Haryana

...Respondents

CRM-M No. 16575 of 2017(O&M)

Devender

...Petitioner

Versus

State of Haryana

...Respondents

CRM-M No. 16576 of 2017(O&M)

Devender

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Saurav Verma, Advocate
for the petitioner in CRM-M-16273 & 16298-2017.

Mr. Vivek Goyal, Advocate
for the petitioner in CRM-M-16575-2017.

Mr. Surinder Singh, AAG., Haryana.

Amol Rattan Singh, J. (ORAL)

Learned State counsel submits has filed the affidavit of the

Deputy Commissioner of Police, Panchkula, pursuant to the order dated 12.5.2017. A copy thereof has been given to the learned counsel for the petitioner.

As per the affidavit, the petitioners are part of a conspiracy including farmers and the forest department, in cutting trees illegally. During the investigation, the owner and driver of the “tipper” which had been contracted to carry the Khair wood, were also joined, with the petitioners specifically named by them.

On the other hand, learned counsel for the petitioner submits that none of the allegations made in the affidavit are founded on any firm fact and as already submitted on the last date, there is a contract with the farmers and it was only in terms of the contract that the petitioners were carrying the Khair wood.

He further submits that a completely new story has been made out now, inasmuch as the allegations in the FIR are that the Khair wood was found by the flying squad on the road, with no specific allegation even to connect the petitioner to the illegal felling of trees.

He also submits that the petitioners have already been granted anticipatory bail in connection with another FIR registered against them, which matter is now to come up for hearing on 21.8.2017.

Learned counsel for the petitioner in CRM-M-16273 & 16298 of 2017 further submits that the offence punishable under Section 409 IPC has been subsequently added, without any forest official having been specifically named, as was allegedly in connivance with the petitioners, and further, no recovery is to be effected from the petitioners, the wood having

already been recovered.

Having considered the aforesaid arguments, I still see no reason as to why the police would falsely implicate the petitioners, specifically as a probationary IPS officer is acting as the SHO, who has investigated the matter. Therefore, without making any comment on the involvement of the petitioners, which would be subject matter of investigation, I do not find any reason to continue the interim order in this petition, in view of the fact that illegal felling of the trees is a common feature in the area, and as per the aforesaid officer, the petitioners are suspected to be involved in the crime according to the investigation conducted so far.

The interim order is vacated.

The petitions are accordingly dismissed.

(AMOL RATTAN SINGH)
JUDGE

May 30, 2017
archana

Whether reasoned/speaking: Yes/no
Whether reportable: Yes/no