

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-3513 of 2017 (O&M)

Date of Decision: 26.04.2017

Kala @ Riyasat and another

--Petitioners

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Namit Khurana, Advocate for the petitioners.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.263 dated 25.12.2016 under sections 379, 411 I.P.C and sections 32, 33 of Indian Forest Act, registered at Police Station, Chhachhrauli, District Yamuna Nagar.

On 2.2.2017, while issuing notice of motion, the following order was passed by this Court:-

“The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.263 dated 25.12.2016 registered under sections 379, 411 I.P.C and Sections 32, 33 of Indian Forest Act at Police Station, Chhachhrauli, District Yamuna Nagar.

FIR has been got registered on the strength of a secret information with regard to stealing of Khair wood.

Based on secret information and during the course of police proceedings, a vehicle make Ashoka Leyland, white colour was seized and which was loaded with a consignment of Khair wood.

Counsel contends that the names of present petitioners do not even find a mention in the FIR. They were not apprehended on the spot. The vehicle is under the

ownership of one Abdul Rehman and who was arrested on 12.01.2017. Present petitioners are implicated on the disclosure statement of such co-accused.

Notice of motion, returnable for 26.04.2017.

In the meanwhile, petitioners are directed to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Mohinder Singh would apprise the Court that the petitioners have since joined investigation.

In the considered view of this Court, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 2.2.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

26.04.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No