

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-18247-2018

Date of Decision:04.05.2018

Sarafat Ali

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Inderjeet Singh, Advocate,
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (Oral)

Though the reasoning given by the Sub-Inspector present in the Court to ostensibly assist the learned State counsel, as to the reason for custodial interrogation of the petitioner, is that the demarcation of land from where the *Khair* trees were stolen has to be done, that is difficult to accept because even as per the FIR the *Khair* trees have been stolen from 20-50 acres of the land of Panchayat land.

Again very obviously, where Panchayat land is located from where trees were allegedly stolen, would be known to the District Administration, as also to the police if it contacts the complainant himself, who is seen to be the Sarpanch of the village where the Panchayat land is located.

However, be that as it may, since stealing of *Khair* trees in the area is extremely rampant, and the petitioner is stated to have been named in the disclosure statement of his co-accused, which otherwise of course is not

necessarily admissible in evidence, yet, for the purpose of the petitioner joining investigation it is directed that he would appear before the investigating officer and if he is sought to be arrested at that stage itself, the arresting officer would admit him to interim bail to his satisfaction, after which the Deputy Commissioner of Police, Panchkula, would decide whether interim bail be continued or not.

However, nothing stated hereinabove would be taken to be an observation of this Court on the actual merits of the case for or against the petitioner, which would be gone wholly on the basis of evidence led by the investigating agency and the competent Court when it comes to that stage.

Disposed of.

May 04 , 2018
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	: YES/NO
Whether Reportable	: YES/NO