

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-2040-2018 (O&M)

Date of Decision: 28.02.2018

Kurban

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Sunil Nehra, Advocate for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

This is the second petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.144 dated 8.7.2017 under sections 27, 29 of the Wild Life (Protection) Act and sections 307, 353, 186, 379 I.P.C, registered at Police Station, Chhachhrauli, District Yamunanagar.

Learned counsel for the parties have been heard.

As per prosecution version, secret information having been received, a *Nakabandi* was laid on the intervening night of 6/7.7.2017 so as to intercept a vehicle/truck carrying stolen *khair* wood. It is alleged that an Alto car, a Matiz car as also the truck in question were sought to be intercepted and whereupon an attempt was made to run over such vehicles on the forest officials. The canter vehicle bearing registration no.HR-45-9737 was seized after a chase and logs of *khair* wood were recovered.

Present petitioner was arrested on 9.7.2017.

Petitioner is alleged to be the driver of the offending truck and has been identified through secret informer.

Investigation in the case is complete and the challan has been presented.

Trial is at the very initial stage and would take time to conclude.

It has gone uncontroverted that no evidence has come forth as per final investigation report as regards the truck in question to be in the ownership of the present petitioner.

It is a case of circumstantial evidence.

Even though, offence under section 307 I.P.C has been cited, yet, it is a case of no injury.

Petitioner is not stated to be involved in any other proceedings under the Wild Life (Protection) Act, 1972.

Without making any observations on merits and keeping in view the length of incarceration already suffered, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate concerned.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

28.02.2018

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