

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28388 of 2018
Date of Decision: 16.07.2018

Islam

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S. Budhar, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.55 dated 24.03.2018 registered for offences punishable under Sections 379/411 of Indian Penal Code (for short, "IPC") at Police Station Chhachhrauli, District Yamunanagar. (Offences punishable under Sections 32/33 of Indian Forest Act, 1927 and 27/29, 35 (5) of Wild Life Protection Act, 1972 were added later on).

Heard.

Learned State counsel submits that on 24.03.2018, a police party headed by ASI Nar Singh of Police Station Bilaspur, District Yamunanagar got a secret information that some persons are transporting *khair* wood, which had been cut from forest areas. During *nakabandi*, the vehicle was traced and was given signal to stop at which driver of the vehicle applied brakes and ran away in the fields. 12 pieces of *khair* wood were recovered from the vehicle. On the basis of secret information, the

petitioner was later on arrested on 18.03.2018 and the matter is still under investigation.

Learned counsel for the petitioner while seeking bail for the petitioner submits that co-accused, namely, Galib son of Ghulam Din has already been allowed regular bail by Court of Sessions. The petitioner was neither identified at the spot nor identification parade was got conducted.

As per allegations in the FIR, petitioner was not identified at the spot and recovery has been effected by the police from the vehicle.

Without expressing any opinion on merits of the case and keeping in view the fact that matter is still under investigation and presentation of challan and then conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Islam is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 16, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No