

**Sr. No.210
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-627 of 2018 (O&M)

Date of Decision: 28.02.2018

Irshad alias Sada

... Petitioner

Versus

State of Haryana

... Respondent

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

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

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

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail in case FIR No.174 dated 28.12.2017, under Sections 379, 411, 120-B of IPC and 27, 29 of the Wild Life (Protection) Act, 1972 and 32, 33 of the Indian Forest Act, 1927, registered at Police Station Sadar Jagadhri, District Yamuna Nagar.

While issuing notice of motion, the following order was passed by this Court on 16.01.2018:-

“Petitioner seeks concession of pre-arrest bail in case FIR No.174 dated 28.12.2017 under sections 379, 411, 120-B I.P.C, 27, 29 of the Wild Life (Protection) Act and sections 32, 33 of the Indian Forest Act, 1927, registered at Police Station, Sadar Jagadhari, District Yamuna Nagar.

Case of the prosecution is that a police party

along with the officials of the Forest Department had laid a Nakabandi and a truck bearing registration no.HR-58-5073 was intercepted and 164 logs of Khair wood were recovered. The occupants of the truck are alleged to have fled from the spot.

Counsel argues that the petitioner is sought to be implicated solely on the basis of secret information and he was not apprehended on the spot. Further argued that recovery in the case has already been effected. That apart, counsel submits that even though in the order dated 4.1.2018 passed by the learned Additional Sessions Judge, Kurukshetra declining concession of anticipatory bail, it has been observed that the petitioner is involved in two other FIRs of similar offence, yet, the petitioner has been granted benefit of regular bail. Counsel has also informed the Court that apart from two FIRs mentioned in the order dated 4.1.2018 (Annexure P-2) one more FIR bearing no.224 dated 10.11.2016 was registered at Police Station, Chachrauli under sections 379, 411 I.P.C and under sections 29, 32 and 33 of the Indian Forest Act, 1927 but even in such FIR petitioner has been granted concession of pre-arrest bail by this Court vide order dated 26.7.2017 passed in CRM-M-18599-2017.

Notice of motion, returnable for 28.2.2018.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The

petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C."

State counsel upon instructions from ASI Ramji Lal, informs the Court that the petitioner has since joined investigation.

Observations made in the notice of motion order have gone un rebutted.

In view of the above, custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 16.01.2018 passed by this Court is made absolute.

Disposed of.

28.02.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No