

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

**CRM-M No.9986 of 2018
Decided on: 04.07.2018**

Daud

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.79 dated 29.04.2017, for offence punishable under Sections 307, 379, 427 and 473 of the Indian Penal Code (in short 'IPC'), registered at Police Station Bilaspur, District Yamuna Nagar.

Counsel for the petitioner has submitted that as per the allegation in the FIR, the complainant who is a Forest Inspector had a secret information about smuggling of *khair* wood, however, no intimation was given to the police and there is a delay of 02 days in registration of the FIR. It is further submitted that no one was injured in the said incident and as such, Section 307 IPC *prima facie* is not made out.

Counsel for the petitioner has also submitted that the petitioner was subsequently involved in another FIR No.144 dated 08.07.2017 under Sections 186, 307, 353, 379 IPC and 27/29 of the

Wild Life Protection Act, 1972 and he has been granted the concession of regular bail by this Court vide order dated 20.03.2018 passed in CRM-M No.45194 of 2017. It is also submitted that the petitioner is in judicial lock up since 20.12.2017 and is no more required for any custodial interrogation as the challan has already been presented and conclusion of the trial is likely to take some time.

Counsel for the State, on instructions from ASI Suresh Kumar, has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in number of other similar cases, though, he is on bail as per the Custody Certificate.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial lock up since 20.12.2017; challan stands already presented; no one was injured in the incident and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

04.07.2018
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No