

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

219

**CRM-M No. 52733 of 2018
Date of decision: 18.01.2019**

Irshad

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

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

Mr. Munish Sharma, Asstt. AG, Haryana.

RAMENDRA JAIN, J.(ORAL)

Through this petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to petitioner-Irshad in case FIR No. 120 dated 17.07.2018 registered under Sections 32 and 33 of the Indian Forest Act, Sections 307, 379, 411 and 120-B IPC and Sections 27, 29 and 35(5) of the Wild Life (Protection) Act, 1972, at Police Station Chhachhrauli, District Yamuna Nagar.

According to the prosecution on 17.07.2018 on the basis of a secret information received by the Forest Inspector about illegal cutting of Khair trees on 13.07.2018 by some smugglers and that today also the same persons would come to cut Khair Trees in the area of Mehraniwala, a naka was laid. After one hour, a vehicle was seen coming. It was signalled to stop. Driver, on exhortion of its occupants tried to run over the police party, having grouse that it was harassing them regularly,

accelerated the speed of the offending vehicle in order to kill them. On chasing the offending vehicle, the driver and occupants fled away by leaving it at the spot.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated. Alleged offending vehicle does not belong to the petitioner. Recovery of alleged stolen wood has already been effected from the offending vehicle. Nothing remains to be recovered from the petitioner. Consequently, he is not required for any custodial interrogation.

On the other hand, learned counsel for the respondent-State contends that the offending vehicle was a stolen vehicle, being used by the petitioner and his accomplice for committing theft of forest wood. The petitioner is a habitual thief of forest wood, inasmuch as one more case of similar nature is pending against him.

After hearing the counsel for the petitioners as well as learned State counsel and considering the seriousness of allegations, the present petition is dismissed.

January 18, 2019
Poonam Sharma

(RAMENDRA JAIN)
JUDGE

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