

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1431-2020 (O&M)

Date of Decision:- 20.1.2020

Munshi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Munshi, seeks grant of anticipatory bail in a case registered vide FIR No.109, dated 26.8.2019, registered at Police Station Partap Nagar, District Yamuna Nagar, under Sections 32, 33 of Indian Forest Act, 1927; Sections 332, 353, 307, 379, 411, 427 IPC and Sections 27 and 29 of Wild Life (Protection) Act, 1972.
2. The case of the prosecution, in nutshell is that on 25.8.2019 when ASI Rajbir Singh was patrolling along with other other officials, then Forest Officer Kuldeep Singh, Kalesar Range met them and informed that some persons have removed "*khair wood*" from the forest regarding which one FIR has already been lodged. It is further the

case of prosecution that later in the evening, secret information was received that “*khair wood*” had been stolen by Saddam and Munshi who were proceeding to Jagadhri to sell the same. Upon receipt of said information barricading was held and at about 8.15 pm. a vehicle was seen approaching and the driver of the said vehicle attempted to run over the officials with the said vehicle. However, Daud and Kamil fled away from the spot leaving the vehicle and upon checking the same “*khair wood*” was recovered from the said vehicle.

3. Learned counsel for the petitioner has submitted that he is being involved in the present case solely on the basis of alleged secret information and that he was neither seen at the spot nor was arrested and nor the vehicle in question is registered in the name of the petitioner and that in these circumstances he cannot be connected with the recovery of the alleged “*khair wood*” by the police.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. Given the fact that the petitioner was not arrested from the spot from where the “*khair wood*” was recovered and in fact even the vehicle in which the said wood had been transported has not been found to be belonging to the petitioner, the complicity of the petitioner would be debatable. As such, the petition is accepted and the petitioner in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of

Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

January 20, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No