

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

CRM-M-15017-2021 (O&M)

Date of Decision:- 9.4.2021

Islam

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Maninder Singh Saini, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by SI Samsher Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.78, dated 18.3.2021, Police Station Partap Nagar, District Yamunanagar, under Section 379 IPC; Sections 32, 33 of Indian Forest Act and Sections 27, 29, 35(6) of Wild Life Protection Act.
2. The FIR was lodged at the instance of Naresh Kumar, Forest Officer, Incharge, Khizrabad (Partapnagar), wherein it is alleged that on the night between 16.3.2021 and 17.3.2021, 5 Khair trees from Amwali

Beat, 3 trees from Ariyawala Beat and 3 trees of Khair from Tibdia beat have been cut and stolen. The information was further to the effect that the said trees had been cut by Alim and Islam (petitioner) with the help of 3-other companions. The information was further to the effect that the trees were kept in the house of Islam and that the same were to be transported in a tempo.

3. Pursuant to receipt of said information, the police swung into action and was able to apprehend Alim along with the wood cut from the jungle. It is further the case of prosecution that pursuant to his disclosure statement 21 pieces of forest wood were also recovered from the house of the petitioner. However, the petitioner was not arrested at the spot.
4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is nothing on record to show that he is indeed involved in the occurrence. Learned counsel has submitted that in fact the wood in respect of the trees allegedly cut was recovered from the co-accused which has been planted on the petitioner. Learned counsel has further submitted that it remains unexplained as to why the alleged recovery was effected after 2 days from the receipt of the information and that the only explanation is that a false case has been lodged against the petitioner. Learned counsel has further submitted that the petitioner deserves the concession of bail as the co-accused Alim has already been granted bail.

5. Opposing the petition, learned State counsel has submitted that since the name of the petitioner figures in the FIR and the allegations virtually stands substantiated from the factum of recovery of wood from the house of the petitioner, no case for grant of anticipatory bail is made out. Learned State counsel has submitted that the petitioner cannot claim any benefit on account of the factum of grant of bail to the co-accused since the co-accused was granted regular bail whereas the instant petition is for grant of anticipatory bail and in fact the custodial interrogation of the petitioner is required.
6. I have considered rival submissions addressed before this Court.
7. Although it is a case based on secret information and it is also a case where the petitioner was not arrested at the spot but the allegations are *prima facie* substantiated from the factum of recovery of the wood from the house of the petitioner. Cutting of trees from the forest is an environmental issue and is a crime against the entire mankind. No leniency can be shown in such like matters. No special case is made out for grant of anticipatory bail. The petition, as such, is dismissed.

9.4.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No