

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-7352-2022

Date of decision : 13.05.2022

Chhinderpal Singh and another

... Petitioners

Versus

State of Punjab through Forest Range Officer, Wildlife Range Abohar

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Manu Loona, Advocate
for the petitioners.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in DR no.348404 dated 31.01.2022 registered under Sections 9, 39, 50, 51, 52 of the Wildlife Protection Act, 1972 at Wildlife Range Abohar.

On 22.02.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in D.R.No.348404 dated 31.01.2022, registered under Sections 9, 39, 50, 51 and 52 of Wildlife Protection Act, 1972 at Wildlife Range, Abohar.

The allegation against the petitioners is that of having trapped a wild animal (Bengal Porcupine) by installing a hunting net and the said animal died after having been trapped.

It is contended that there is neither any reference nor identification of the petitioners in the entire complaint. Moreover, the petitioners were not present at spot of occurrence and further, the alleged recovery of wild animal has been effected and nothing

is to be recovered from the present petitioners.

Notice of motion for 13.05.2022.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State and seeks time to file reply. Copy of the paper book be supplied to learned State counsel, during the course of the day by hand or through e-mail.

In the meanwhile, petitioners are directed to join the investigation. In the event of arrest, petitioners shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

(i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;

(ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioners shall not leave India without the previous permission of the Court.

**(SANT PARKASH)
JUDGE**

22.02.2022”

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have joined the investigation.

Learned State counsel, on instructions of Kuldeep Singh, Range Assistant, Forest Department, has submitted that the petitioners have joined investigation and are not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 22.02.2022, and also the fact that the petitioners have joined the investigation and are not required for further investigation, the present petition is allowed and the interim order dated 22.02.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

May 13, 2022
Davinder Kumar

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