

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

224

CRM-M-12495-2019
Date of decision: 07.03.2022

AMAR NATH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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

Mr. Sukhbeer Singh, AAG Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The present petition has been filed under Section 482 CrPC seeking quashing of the impugned order dated 22.01.2019 passed in FIR No.4 dated 09.01.2019 under Sections 379, 411, 353, 186 of the IPC and Sections 29, 32, 33 of the Indian Forest Act, 1927 and Sections 4 and 5 of the PLPA Act, 1900, registered at Police Station Sadar Rupnagar, District Rupnagar.

The grievance of the petitioner was limited to the extent that while granting the concession of pre-arrest bail, the learned Court imposed a condition thereby directing the petitioner to deposit the entire cost of the recovered wood as a surety. The said condition being harsh for the petitioner to comply the instant petition has been filed to seek an appropriate modification in the said order.

It is further pointed out that the petition came up for hearing on 19.03.2019, when the petitioner was directed to join investigation. The extract of the order is reproduced as under:-

Meanwhile, the petitioner is directed to join investigation within a period of one week from the date of receipt of certified copy of this order and in case, he joins investigation, he shall

be released on interim bail to the satisfaction of the Investigating Officer. He shall also join investigation as and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii)that the petitioner 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 petitioner shall not leave India without the prior permission of the Court.

On resumed hearing, learned counsel submits that pursuant to the order dated 19.03.2019, the petitioner has already joined the investigation and that the same is completed and a final report stands filed.

Mr. Sukhbeer Singh, learned Assistant AG Punjab appears on behalf of the respondent-State and does not dispute the said fact. He further submits that the petitioner is not required for the purpose of investigation as it already stands concluded and the matter is pending trial before the Court.

It is pointed out that the petitioner has already furnished bail bonds to the satisfaction of the Illaqa Magistrate and the said bail bonds stand accepted.

In view of the above, the interim order dated 19.03.2019 is thus made absolute during the pendency of the proceedings.

Disposed of.

(VINOD S. BHARDWAJ)
JUDGE

March 07, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>