

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-41820-2022 (O & M)****Date of decision: 20.12.2022**

Tasim

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Karan Vir Nanda, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.152 dated 01.08.2022 under Sections 307, 379 IPC, Sections 32, 33, 52 Forest Act and Sections 27, 29 and 51 of the Wildlife Act, registered at Police Station Partap Nagar, Yamuna Nagar.

2. The brief facts leading to the registration of the FIR are that on the night of 01.08.2022 about 1.30 a.m., a barricade was set-up by the investigating agency as information was received regarding the illegal transportation of forest wood. During checking, three motorcyclists were signalled to stop but they fled away taking advantage of the darkness. Immediately, thereafter, a car having 4/5 occupants came and was signalled to stop but the said car also fled away after hitting the barricade. Thereafter, a Mahindra pick up having 4/5 occupants attempted to pass through the barricade without stopping and even attempted to run over the members of the police team who had signalled the said vehicle to stop for checking.

The driver of the Mahindra pick-up was Shaihjaad son of Aalim, resident of Jattanwala, who was accompanied by Islam son of Yusuf, Mangal Singh and Majid sons of Roshan. Thereafter, a truck loaded with 298 pieces of Khair wood came which was being driven by the present petitioner-Tasim. The said truck damaged the barricade and tried to mow down the police team. The said truck was chased and the driver left the same at an abandoned place. The occupants of the truck were identified as Tasim (petitioner) son of Iliyas, Rasid son of Salamu, Talib son of Meer Hassan. 298 pieces of Khair wood were recovered from the truck, which were stated to have been stolen from Government forest land and a number of other persons such as Jabir son of Manjura, Nur Hussain @ Sonu son of Fajla, Wasim son of Roshan, Aslam son of Meeru and Hasim son of Asludin were also involved in the crime.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The whole story has been fabricated by the police officials and the recovery has been planted upon him. The petitioner is in custody since 01.08.2022. The investigation stood completed and since only 03 of the 11 prosecution witnesses had been examined, the further incarceration of the petitioner was not required, moreso when he was a first-time offender.

4. The learned counsel for the State on the other hand contends that the petitioner is the driver of the offending vehicle from which the recovery has been effected. An attempt was made to run over the police team though concededly, no injury has been caused to any one. However, the serious nature of the allegations against the petitioner do not entitle him to the grant of bail. .

6. Admittedly, the petitioner is in custody since 01.08.2022 and only 03 of the 11 prosecution witnesses have been examined. No person has received injuries in the present case. The petitioner is a first-time offender with clean antecedents. As the trial of the present case is not likely to be concluded anytime soon, the further incarceration of the petitioner was not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Tasim is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

December 20, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No