

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220

CRM-M 10923 of 2023

Decided on:13.04.2023

Mashum Ali

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Dinesh Mahajan, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

GURBIR SINGH, J (ORAL)

The petitioner has filed the present petition praying for grant of regular bail in case FIR No.16 dated 06.02.2023, under Sections 379, 149 and 411 (added later on) of IPC, registered at Police Station Sadar Pathankot, District Pathankot.

As per allegation, the officer of the Forest Department were patrolling the Forest area to protect the trees. At about 10 PM, on hearing the noise regarding cutting of trees in the area of Channi Makeemput. The said employees reached at the spot and saw that 5 unknown persons were cutting the wood of Khair and on seeing the officials, the said persons fled from the spot along with their tools. They were chased but they ran away on their vehicles. It was found that the accused had cut 4 Khair trees which were converted into 20 pieces. The petitioner along with other accused were nominated in this case and FIR was registered against them. Petitioner was arrested. During custody, petitioner made disclosure statement and got recovered 5 khair wood pieces along with one wood cutter machine from the disclosed place.

Learned counsel for the petitioner submits that the petitioner is

in custody since 07.02.2023. The case is triable by the Magistrate. Two co-accused have already been granted interim anticipatory bail. The petitioner is not involved in any other criminal case.

Status report by way of affidavit of Sumeer Singh, PPS, Deputy Superintendent of Police, Sub-Division Rural, District Pathankot, on behalf of respondent-State, is filed in Court today. The same is taken on record.

Learned State counsel has fairly admitted that petitioner is in custody since 07.02.2023 but he has opposed the petition on the ground that petitioner is indulging in the cutting of the forest trees.

Heard.

The case is triable by the Magistrate. Challan has already been presented against the petitioner but not against the co-accused. Without commenting anything on the merits of the case and taking into account the fact that the trial is not likely to be concluded in near future, in my opinion, no useful purpose would be served by detaining the petitioner behind bars any further. The petition, as such, is *allowed*. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Judge, concerned.

If any attempt whatsoever is made by the petitioner to contact/threaten/intimidate any member of the complainant's family (also the family of the petitioner), the complainant/State shall be at liberty to move an application for cancellation of bail granted vide this order.

(GURBIR SINGH)
JUDGE

13.04.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No