

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51674-2022(O&M)

Reserved on: 09.01.2024

Pronounced on: 12.01.2024

2024: PHHC: 003914

Gorav Srao

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ashit Malik, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 CrPC, petitioner prays for grant of anticipatory bail in case FIR No.84 dated 03.03.2022 registered under Sections 379 and 411 IPC at Police Station Mullana, District Ambala.

2. FIR was lodged on the complaint of Block Development and Panchayat Officer, Saha, district Ambala, as per which 620 trees out of 1400 trees planted upon the land of the Panchayat had been stolen and wood of the trees had been taken away by the unknown persons. FIR was registered. Spot was inspected. It was found that 334 wood pieces of Safeda tree (Eucalyptus) were lying at the spot. These were taken into possession vide recovery memo and later on handed over to Panchayat Secretary. It was further found that it is co-accused Rajvinder Singh @ Annu son of Tej Pal, who along with his accomplices had stolen the trees after cutting the same from Panchayati land. Rajvinder Singh was in

custody in some other case. After obtaining his production warrants, he was joined in the investigation, who on interrogation disclosed that he along with petitioner-Gorav Srao and others had cut 620 trees and had sold the wood of 320 trees through petitioner-Gorav Srao. It was further disclosed by him that petitioner had given ₹40,000/- to him as his share of the sold wood.

3. It is contended by ld. counsel that Safeda (Eucalyptus) trees in question were cut from Khasra Nos.51//6-7-8-9-13-14-18-19-20-21-22, 51//23, 52//1-2, 53//5, which belonged to Gurnam-Gurmej etc. (Mustarka Malkan) and that trees were not cut from the land of the Panchayat. It is further contended that co-accused Rajvinder Singh @ Annu has already been admitted to bail.

4. Opposing the bail petition, ld. State counsel has drawn attention towards order dated 21.03.2001 passed by Assistant Collector, 1st Grade-District Revenue Officer, Ambala in case No.12/VCL, as per which one Paras Ram, who was in unauthorized possession of the land in dispute was vacated from the same and the land was restored to the possession of the Gram Panchayat.

5. In view of the aforesaid order dated 21.03.2001 passed by the revenue authorities, the report of the Halka Patwari to the effect that the land in question is owned by Mustarka Malkan, cannot be taken into consideration at this stage.

6. As per the investigation conducted so far, it is the petitioner, who along with others had cut the trees from the land owned by the Gram

Panchayat. Recovery of the trees is to be effected. Custodial interrogation of the petitioner may be required.

7. Having regard to all the above facts and circumstances as noted above, but without commenting anything further on merits of the case, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner. As such, the present petition is hereby dismissed.

Pending application(s), if any, stand disposed of.

12.01.2024	(DEEPAK GUPTA)
<i>Vivek</i>	JUDGE
1. Whether speaking/reasoned?	Yes/No
2. Whether reportable?	Yes/No