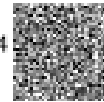


2025/PHHC/018884



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

**CRM-M-7434-2025
DECIDED ON: 10.02.2025**

GOURAV**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. J.S. Sekhon , Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.6, dated 10.01.2025, under Section 223 of BNS and Sections 51 and 30 of Wildlife (Protection) Act, 1972 and Section 15 of Environment (Protection) Act, 1986, registered at Police Station Sahnewal, District Police Commissionerate Ludhiana.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“SHO PS Sahnewal District Ludhiana, "Jai Hind". Today I ASI along with ASI Amrik Singh No.902/LDH, SC Gurpreet Singh No.3153/LDH, SC Sunil Kumar No. 1178/LDH, SC Satinderpal Singh No.3400 /LDH, CT. Vansnoor Kahlon No.4260/LDH along with laptop and printer in Government vehicle Bolero No.PB- 10GK- 0572, driver thereof is PHG Lakhvir Singh No.29087 was present at canal road, Giaspura, Ludhiana regarding patrolling and checking of suspicious persons then secret informer came before me/ASI and

gave information that Sahil Kanojiya son of Rinku Kanojiya, resident of House No.2081/2 F, Street No.2, Basant Nagar, Shivpuri Ludhiana, Vijay Sharma son of Dhana Ram resident of Ward No.4, Mohalla Meghwala, Police Station Tara Nagar District Churu Rajasthan and Lal Chand Mena son of Ram Das Mena, resident of village Brahm Nagar, PS Tara Nagar District Churu Rajasthan brought the objectionable China door from outer states and have given to Gaurav son of Jasvir Singh, resident of Char Hatiya, Rupnagar. Gaurav is supplying this China door in other cities apart from Ludhiana City. With this China door, the human and animals have been hurt and many humans, cattles and birds have also died. Sahil Kanojiya, Vijay Sharma and Lal Chand Mena brought the dangerous objectionable China door via Gujrat and are standing on G.T. Road near Giaspura Chowk Ludhiana to supply it to Gaurav. If raid be conducted now then heavy quantity of China door can be recovered from them. The information and concrete and trust worthy. They have violated the Hon'ble Deputy Commissioner of Police Rural, Ludhiana order No. 140052-140100/A.C.3 dated 11.11.2024 for keeping objectionable China door in their possession and selling. By doing such act by above said persons have fulfilled the ingredients of Section 223 of BNS, 51- 39 of Wild Life Protection Act 1972 & 15 of Environment Protection Act, 1986. So, I ASI after getting the ruga typed from SC Satinderpal Singh No.3400/LDH in the laptop against Sahil Kanojiya, Vijay Sharma, Lal Chand Mena and Gaurav under above mentioned offences and taking print out of the same and is being sent to police station through CT Vansnoor Kahlon No.4270/LDH. After registering the case, FIR number be intimated. I ASI along with fellow officials has left for raid at Giaspura Chowk, Ludhiana. Sd/- ASI Jaspal Singh No.2614/LDH Crime Branch-1, District Ludhiana dated 10.01.2025. In the area of Canal Road, Giaspura Ludhiana at 6 PM. Today at police station: On receipt of above said ruga to police station, case has been registered against Sahil Kanojiya, Vijay Sharma, Lal Chand Mena and Gaurav under above offences. Original ruga along with copy of FIR is being sent to ASI through CT. Vansnoor Kahlon No. 4260/LDH. Control room is being informed. Closing Rapat No.25 at 6:40 PM.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case based on secret information. He further submits that the alleged recovery was made from the co-accused, and

there is nothing to be recovered from the petitioner. He contends that the co-accused, namely Sahil Kanojia and Vijay Sharma, have already been granted bail by the court below vide order dated 04.02.2025.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the allegations against the petitioner are serious in nature. But he could not refer any incriminating material to necessitate the custodial interrogation of the petitioner.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that recovery was effected from the co-accused person and co-accused persons have already been granted the concession of bail by the Court below added with the fact that petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the

terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

10.02.2025

Meenu

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