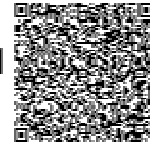


CRM-M-15949-2026 (O&M)

2026:PHHC:050081



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IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

CRM-M-15949-2026 (O&M)

Jitender

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: April 01, 2026

Date of Uploading: April 01, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Harmandeep S. Sullar, Advocate for the petitioner.

Mr. Suneel Ranga, DAG Haryana and
Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (Section 438 of Cr. P.C.) seeking grant of anticipatory bail to the petitioner, in case bearing FIR No.0070 dated 11.03.2026, registered for the offences punishable under Section 303 of the BNS, 2023, at Police Station Israna, District Panipat.

2. The gravamen of the allegation against the petitioner is that the petitioner along with *Sarpanch* of village concerned had illegally cut *Shisham* and *Kikar* trees on the Panchayat land.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner is a contractor by profession and had participated in an open auction conducted by the Gram Panchayat regarding cutting and removal of trees situated on the concerned Panchayat land. Upon declaring successful bidder, the petitioner had started cutting and removing trees, as per terms and conditions of the auction and counter of trees, as per letter dated 08.01.2026 issued by the Deputy Commissioner, Panipat. Learned counsel has argued that there was no dishonest intention or criminal motive on the part of the petitioner in cutting excess trees, and that, if any such situation arises, the petitioner is ready and willing to compensate for the said loss. Learned counsel has argued that even, the case in hand is based on documentary evidence, which is already in possession of the concerned authorities.

3.1. Learned counsel has further asserted that nothing is to be recovered from the petitioner. Moreover, the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. On the other hand, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has iterated that

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permission was granted only to fell *Safeda* (Eucalyptus) tree, however, the petitioner and concerned *Sarpanch*, in collusion with the official(s) of Forest Department as well as Panchayati Raj Development Department, had caused felling of *Shisham* and *Kikar* trees as well. In case, the petitioner is granted concession of anticipatory bail, there is all likelihood that he may abscond from the process of justice as also interfere/ intimidate the prosecution evidence/ witnesses. On these submissions, dismissal of the present petition is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, the allegations against the petitioner are serious in nature. As per the prosecution case and upon perusal of the impugned order, it is borne out that permission was granted strictly and exclusively for the felling of *Safeda* (Eucalyptus) trees; however, the petitioner, in active connivance with the concerned *Sarpanch* and in collusion with officials of the Forest Department as well as the Panchayati Raj Development Department, deliberately exceeded the scope of such permission and caused the unlawful felling of valuable *Shisham* and *Kikar* trees. The acts attributed to the petitioner disclose not only a clear violation of the conditions of permission, but also reflect a calculated abuse of authority and a concerted effort involving multiple persons, thereby indicating the existence of a well-planned illegal activity rather than any inadvertent or *bona fide* mistake. The nature and gravity of the offence, coupled with the element of collusion with public officials, raise serious

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concerns regarding the petitioner's conduct and potential to influence witnesses or tamper with evidence.

7. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*, the Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The

argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

9. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. There is a strong likelihood that if granted the extraordinary relief of anticipatory bail, the petitioner may influence or intimidate the prosecution witnesses. The custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

10. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

11. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 01, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No