



CRM-M-37961-2025

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

CRM-M-37961-2025

Decided on: 21.07.2025

Ali Hassan

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Inderjeet Singh, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.54 dated 04.05.2025, registered under Sections 303/351(3) of BNS, 2023, Section 32/33 of the Indian Forest Act, 1927 and Section 25 of the Arms Act, 1959, at Police Station Partap Nagar, District Yamuna Nagar.

2. Succinctly facts of the case are that the FIR in the present case was registered on the statement of Sandeep, Forest Inspector. It was alleged that on 03.05.2025 in the night at about 10:00 p.m., he alongwith Pawan, Forest Inspector, Manjeet, Forest Guard and Sandeep, Forest Guard, was on patrol duty in Khijrabad reserved forest. They heard noise of cutting of the trees. When they moved towards the same, they saw in the light of the torch that three persons illegally cutting Khair trees from the forest land. As soon as the persons were cutting trees, saw the complainant and his team, they fired at them. However, taking advantage of the darkness, they escaped from the spot. On searching, they found three Khair trees having been cut down. Request was made to take legal action against all the accused. On the



registration of the FIR, the investigation commenced. During investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused. Apprehending arrest, the petitioner approached the Court of learned Vacation Judge/Additional Sessions Judge, Yamuna Nagar at Jagadhri, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 30.06.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that neither the petitioner has been named in the FIR, nor any role has been attributed to him. He submits that the petitioner has been implicated in the present case only on the basis of presumption and assumption. It is submitted that a relative of the petitioner, namely, Yaseen, was implicated in the case under the Forest Act and as he was beaten by the Police for which he lodged the FIR against the Police officials including the Forest Inspectors and hence, the present FIR was falsely lodged against the petitioner. He submits that the petitioner has no criminal antecedents and thus, in the overall facts and circumstances of the present case, he deserves to be granted anticipatory bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was duly identified by the complainant and thus, no case for the grant of anticipatory bail to the petitioner is made out at this stage, when the investigation is at initial stage.



5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the FIR was lodged by complainant Sandeep, Forest Inspector. Three persons, who were cutting trees in the forest land, were seen by the complainant alongwith other forest officials. In order to escape, they fired at officials of the Forest Department, who were on patrol duty. On search, three *Khair* trees, which were cut down, were recovered from the spot. Empty shells of the bullets were also recovered. The petitioner was duly identified by the complainant and thus, no case for the grant to anticipatory bail to him is made out, at this stage.

6. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *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."

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he 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 task of disintering offences would not conduct themselves as offenders."

8. Hon'ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an



extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

21.07.2025

sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No