

2025:PHHC:053599



147.

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

CRM-M-22032-2025

Date of decision: 25.04.2025

Kuldeep Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Riffi Birla, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of BNSS, is for grant of anticipatory bail to the petitioner in case FIR No.16, dated 23.02.2025, under Sections 329(3), 324, 221, 132, 351(3) of BNS, 2023 and under Sections 9, 27, 29, 30, 31, 50 and 51 of Wild Life (Protection) Act, 1972, registered at Police Station Makhu, District Ferozepur.

2. Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated in the present case at the instance of the Forest Range Officer. It is argued that the FIR is based on mala fide motives, concocted with the objective of shielding the actual wrongdoer i.e. the Forest Range Officer himself, who had allegedly been leasing government land at nominal rates to private individuals. When this alleged illegality surfaced, learned counsel for the petitioner claims, the petitioner was made a scapegoat to deflect attention. It has been further submitted that no environmental damage of any scientific relevance is

discernible through any official report, and no recovery is to be effected from the petitioner. It has also been submitted that the petitioner is willing to join and cooperate with the investigation, rendering his custodial interrogation unnecessary.

3. Notice of motion.

4. On the asking of the Court, Mr. H.S.Deol, Senior DAG, Punjab, accepts notice on behalf of the respondent-State.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The instant FIR was lodged by the Forest Range Officer, Wild Life Range, Harike, wherein it was disclosed that on two separate occasions – night of 30.01.2025 and again on the intervening night of 17/18.02.2025, the petitioner along with co-accused and other unidentified persons, allegedly trespassed into the protected Kot Qaim Khan Beat of Sanctuary area within the Harike Wild Life Sanctuary. Using privately owned tractors fitted with blades, the accused are alleged to have wantonly destroyed a large expanse of *Sarkanda* vegetation, a vital ecological resource, with the objective of illegally encroaching upon approximately 3-4 acres of government land.

7. Further, when forest staff attempted to stop the illegal activity, they were allegedly manhandled and obstructed in the discharge of their official duties. As per the complainant, such actions were not only repeated in a short span but were accompanied by abuse, threats and physical confrontations with forest personnel. It is also alleged in the FIR that the

accused were in possession of illegal weapons and have been habitually trespassing into the sanctuary to destroy the government property and assert illegal possession.

8. The Harike Wild Life Sanctuary is a notified protected area under Wild Life (Protection) Act, 1972 and is internationally recognized as a Ramsar site due to its ecological sensitivity and global biodiversity significance. It also serves as a seasonal haven for a variety of migratory birds and supports a delicate wetland ecosystem that plays an irreplaceable role in regional ecological balance.

9. The deliberate clearing of *Sarkanda*, a crucial natural habitat providing cover and nesting grounds for migratory birds constitutes a grave assault on the environmental sanctity of the sanctuary. Such destruction is not merely physical defacement; prima facie, it reflects a wilful and calculated attempt to subvert the protections accorded under the law for short term illegal gains. The wanton removal of habitat-critical vegetation, repeated within a brief time frame, prima facie points to an aggravated and premeditated offence. This Court cannot overlook the broader implications of the alleged acts.

10. The allegations, if prima facie accepted, attract multiple penal provisions under the Wild Life Protection Act. Notably, Section 51 of the Wild Life Protection Act prescribes rigorous punishment for contravention, and in the case of repeated offences, the minimum term of imprisonment is not less than 3 years and may extend to 7 years along with fine.

11. Given the seriousness of the allegations, the recurring nature of the conduct and the irreversible ecological damage alleged, custodial interrogation of the petitioner may well be necessary. Furthermore, granting anticipatory bail at this stage may send a regressive signal in matters of environmental protection especially where defiant conduct is a critical concern.

12. In view of the foregoing discussion, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

13. Present petition stands dismissed accordingly.

14. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 25, 2025
sanjeev

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