

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr.M.P(M) No. 1430 of 2014

Decided on: 30th January, 2015

Amar Nath

.....Petitioner

Versus

State of H.P.

...Respondent.

Coram

The Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge.

Whether approved for reporting?¹

For the petitioner: Ms. Soma Thakur, Advocate.

**For the respondent: Mr. Ashok Chaudhary and
Mr. Virender Verma, Additional
Advocates General.**

**Inspector/SHO Kshama Dutt
Sharma, PS, Nalagarh, Distt. solan
is also present along with the
record.**

Dharam Chand Chaudhary, Judge. (Oral)

Petitioner is an accused in FIR No. 300/14 registered against him in Police Station, Nalagarh, District Solan under Section 41 and 42 of the Indian Forest Act and Section 379 of the Indian Penal Code.

2. The record reveals that investigation in the case is in progress. There is complaint that the accused-petitioner is not available to the investigating agency for the

¹ Whether the reporters of Local Papers may be allowed to see the judgment?

purpose of interrogation. On the other hand, the allegations against him are that on 15.12.2014, Sanjay Kumar, Forest Guard, Forest Beat, Nalagarh informed the office of the complainant the Block Forest Officer, Nalagarh that during patrolling in the forest, trees of various categories i.e. Jheegan, Chhal, Gullar, Kaangu, Jamoa, Amaltaas and Kainth etc., were found to have got illicitly felled by the accused-petitioner. On inquiry from him, he revealed that he did felled trees but in his own land. However, the trees during the course of investigation besides his own land were found to have cut in the Government forest also without seeking permission from the department of forest.

3. The accused-petitioner, no doubt, has committed a heinous offence. However, at this stage, it is not clear as to whether the category of trees he felled need permission of the department of forest or not. As per evidence, at this stage, besides his own land he allegedly felled the trees in Government forest also. The stand of the accused-petitioner, however, is that he has cut trees only in his own land and not in the Government land.

4. Without lamenting much on the merits of the case, as in that event prejudice is likely to be caused to the

case of either party suffice would it to say that the accused-petitioner is the local resident of District Solan and there is no complaint of he having absconded or was not available for the purpose of interrogation.

5. This application is, therefore, allowed and it is ordered that in the event of the arrest of the accused-petitioner in connection with FIR No. 300/14 registered against him in Police Station, Nalagarh, District Soaln, he shall be released on bail subject to his furnishing personal bond in the sum of ₹50,000/-(rupees fifty thousand) with one surety in the like amount to the satisfaction of Arresting Police Officer. The accused-petitioner shall further abide by the following conditions:

that he shall:-

- (a) make himself available for the purpose of interrogation;
- (b) not temper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever.
- (c) not make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or the Police Officer.
- (d) not leave the territory of India without the prior permission of the Court.

6. It is clarified that if the petitioner misuses his liberty or violate any of the conditions imposed upon him, the investigating agency shall be free to move this Court for cancellation of the bail.

7. Any observations made hereinabove shall not be construed to be a reflection on the merits of the case and shall remain confined to the disposal of this petition alone. The petition stands disposed of.

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January 30, 2015
(naveen)

(Dharam Chand Chaudhary)
Judge