

(2022) 01 SHI CK 0071

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (Main) No. 118 Of 2022

??Ranjeet Singh Kashyap

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 24-01-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 379,
Indian Forest Act, 1927 — Section 41, 42
Code Of Criminal Procedure, 1973 — Section 438

Citation : (2022) 01 SHI CK 0071

Hon'ble Judges : Satyen Vaidya, J

Bench : Single Bench

Advocate : N.S. Chandel, Rajesh Verma, Dinesh Thakur, Manoj Bagga

Final Decision : Disposed Of

Judgement

Satyen Vaidya, J

1. Petitioner is an accused in case registered vide FIR No. 14 of 2022, dated 14.01.2022, at Police Station, Sadar, District Bilaspur, H.P. under

Sections 379 read with Section 34 IPC and Sections 41 and 42 of the Indian Forest Act.

2. Petitioner has approached this Court for grant of pre-arrest bail under Section 438 Cr.P.C. in the above noted case, on the grounds that he is

innocent and has been falsely implicated in the case. There is no direct or indirect evidence connecting the petitioner with the alleged crime. He is

permanent resident of Village and Post Office Dhanipakhar, Tehsil Jhandutta, District Bilaspur, H.P. and belongs to a respectable family. The

investigation of the case is already complete. Nothing is required to be recovered from the petitioner. The custodial interrogation of the petitioner is not

required. The other co-accused has already been released on bail. He has undertaken not to make any inducement, threat or promise to any person acquainted with the facts of the case and also not to tamper with the prosecution evidence.

3. In response, the status report has been filed. It is stated that on 14.01.2022 at about 12.30 a.m., truck bearing registration No. HP-69A-5152 was

apprehended by the police party at place Chehari Mod on National Highway 205 and total 249 logs of Khair Wood having volume 5.438 cubic meters

were recovered. The truck was being driven by Sushil Kumar S/o Sh. Rattan Chand, who produced certain documents which included the pass

No.41/2021-22, issued by the DFO, Bilaspur on 11.01.2022 having validity till 13.01.2022. The driver Sushil Kumar was arrested and has been

subsequently released on bail by learned Chief Judicial Magistrate, Bilaspur on 17.01.2022. As per respondent, the pass and other documents

produced by driver Sushil Kumar, were in the name of M/s Ranjeet Singh, Contractor. Petitioner also joined the investigation, who also produced

certain documents. All such documents have been sent to the office of DFO, Bilaspur for verification. The investigation is still stated to be continuing.

4. I have heard learned counsel for the petitioner and learned Additional Advocate General for the State and also have gone through the status report and also the police file.

5. The pass for transportation of Khair Wood found in truck No. HP-69A-5152 was issued on 11.01.2022 with validity upto 13.01.2022. The truck

was allegedly apprehended at 12.30 a.m. on 14.01.2022, meaning thereby that the transportation pass had expired just 30 minutes before apprehension

of the truck. It is not the case where the Khair Wood was being transported without any permit. The permit was issued on 11.01.2022, but the same

had expired a few minutes before apprehension of the truck, as noticed above.

6. There is nothing in the status report to suggest that the investigation has revealed the facts which may lead to presumption that the seized Khair

Wood was the stolen property. It is also not the case of respondent that the petitioner has not co-operated in the investigation of the case.

7. Petitioner is permanent resident of Village and Post Office Dhanipakhar, Tehsil Jhandutta, District Bilaspur, H.P. and there is no likelihood of

fleeing from the course of justice. It is also not the apprehension of respondent

that in case of release of petitioner on bail, there is any likelihood of adverse effect on the trial or the petitioner tampering with the prosecution evidence. The case of respondent is primarily based on documentary evidence, which already is in possession of the Investigating Agency.

8. The respondent has not stated that petitioner is required for custodial interrogation. No fruitful purpose shall be served by allowing the petitioner to be kept in custody for indefinite period as the trial is going to take some time before completion.

9. In light of above discussion, the application is allowed and the petitioner is ordered to be released on bail, in the event of his arrest, in case FIR No.

14 of 2022, dated 14.01.2022, at Police Station, Sadar, District Bilaspur, H.P. under Sections 379 read with Section 34 IPC and Sections 41 and 42 of

the Indian Forest Act, on his furnishing personal bond in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of Investigation

Officer. This order is, however, subject to the following conditions: -

i) That the petitioner shall make himself available for investigation as and when required.

(ii) That the petitioner 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) That the petitioner shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever.

(iv) That the petitioner shall not leave India without prior permission of the Court.

10. Any observation made hereinabove shall not be taken as an expression of opinion on the merits of the case and the trial Court shall decide the

matter uninfluenced by any observation made hereinabove.

Petition stands disposed of.