

CNR No. HRYN01-006873-2023.

CIS No.BA/2045 of 2023

Sahil Versus State of Haryana

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**IN THE COURT OF NIDHI BANSAL, ADDITIONAL SESSIONS
JUDGE, YAMUNA NAGAR AT JAGADHRI. (UID NO.HR0227).**

CNR No. HRYN01-006873-2023.

CIS No.BA-2045 of 2023.

Bail application No.2045 of 2023.

Date of Institution: 08.09.2023.

Date of Decision: 12.09.2023.

Sahil son of Shri Gulam Mohammad aged about 19 years resident of
Village Naya Gaon, Police Station Sadhaura, District Yamuna Nagar.

.....Petitioner.

Versus

State of Haryana

....Respondent.

F.I.R. No.192 dated 21.07.2023.

Under Section: 379 of Indian Penal Code, 1860.

Police Station: Sadhaura.

**Application under Section 438 Cr.PC. for
anticipatory bail.**

Present: Shri Virender Singh Lalhadi, Advocate for the petitioner.
Shri Rishi Sharma, Public Prosecutor for the State.

ORDER:

The accused-petitioner have sought the indulgence of this
court for grant of anticipatory bail in the aforementioned FIR.

2. Instant FIR was lodged on the statement of Krishan Kumar,
Forest Officer to the effect that Vinod Kumar, Forest Officer and Satish
Kumar, Sadhaura Block Incharge, Assistant Forest Officer informed that

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on 18.07.2023 while they were on patrolling duty at Sadhaura-Kotla road, nine safeda trees belonging to Forest Department were found cut. At the spot, white branches and leaves were found. On inquiry, one keypad mobile Samsung was found. When said mobile phone was checked, it was found that there had been talks on mobile numbers number of times. He, on his personal mobile phone, tried to contact at the said numbers. Some were found switched off and some were found in village Bijoli. It appeared that the persons who had cut said safeda trees belonged to nearby villages. Said mobile phone along with sim No.9812943256 was taken in police possession. The said number were of Naseem, Sail, Amjad Bijoli, Kala, Kaif Gujar, SI Mohammad and Amit. During last year also, they had committed theft of safeda trees. During investigation, CDR and location of said mobile phone number was obtained. Accused Mosin Khan, Amzad Khan and Shammi Kumar alias Pandi were arrested. During interrogation, they suffered disclosure statements and got demarcated the place of occurrence. During checking of CDR, the location of accused Sahil was found in Shehzadpur, District Ambala.

3. Upon being noticed of bail application, reply to the same was filed vehemently contesting the same. Copy supplied.

4. Heard.

5. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case. It is further

urged that the name of petitioner is not figured in FIR and his name has been nominated on the basis of disclosure statement of co-accused. It is further argued that petitioner is not a previous convict and is local resident of District Yamuna Nagar. It is further argued that the offence is triable by the Court of learned Magistrate. It is further argued that petitioner are ready to join and cooperate the police as and when required. With these submissions, he prayed for releasing the petitioner on anticipatory bail.

6. On the other hand, learned Public Prosecutor for the State highly opposed the bail application and prayed for dismissal of the same.

7. I have considered the respective contentions of both sides and material on record.

8. The petitioner have been booked for committing offence under Section 379 of Indian Penal Code, 1860. The name and role of petitioner has been detailed by co-accused in his disclosure statement. Allegedly, during investigation, it has been found that petitioner had sold the stolen trees to a contractor. Learned Public Prosecutor has contended for deeper probe into the matter and to enquire about the contractor to whom petitioner had sold the stolen trees, the custodial interrogation of petitioner is necessary. It is submitted petitioner is involved in two more FIRs of similar nature i.e. FIR No. 162 dated 21.06.2023 under Section 379 of IPC and FIR No. 157 dated 16.06.2023 under Section 379 of IPC, Police Station Sadhaura.

9. Hence, leeping in view the totality of the facts and circumstances of the case, the allegations against the petitioner and discussion made above, this court is of considered view that the petitioner is not entitled to extraordinary relief of anticipatory bail. Accordingly, the bail application stands **dismissed**. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in this case.

10. As provided under Rule 15(iii), Chapter 10 of Punjab and Haryana High Court Rules and Orders, Volume-III, a copy of this order be supplied forthwith to the petitioner through their counsel and a copy be also sent to the SHO, **Police Station Sadhaura** for information and necessary action.

File be consigned to record room after due compliance.

Pronounced in open court:
Dated: 12.09.2023.

(Nidhi Bansal),
Additional Sessions Judge,
Yamuna Nagar at Jagadhri.
UID No.HR0227.

Sanjaykumar,
Stenographer Gr.I

(Nidhi Bansal)
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12.09.2023.

Present: Shri Virender Singh Lalhadi, Advocate for the petitioner.
Shri Rishi Sharma, Public Prosecutor for the State.

Police reply filed. Copy supplied. Arguments heard. Order pronounced. Vide my separate order of even date, bail application stands **dismissed.**

File be consigned to record room after due compliance.

Pronounced in open court:
Dated: 12.09.2023.

(Nidhi Bansal),
Additional Sessions Judge,
Yamuna Nagar at Jagadhri.
UID No.HR0227.

Sanjaykumar
Stenographer GR.1.

(Nidhi Bansal)
ASJ/Jagadhri.
12.09.2023.