

SLP(Crl.)No. 2905 OF 2003  
ITEM No.205

Court No. 3

SECTION IIA  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 2905/2003

(From the judgement and order dated 28/11/2002 in CRLM 25929/01  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF PUNJAB THROUGH SECT. HOME

Petitioner (s)

VERSUS

SUBHASH KUMAR & ORS.

Respondent (s)

( With Office Report ) ( For Final Disposal )

Date : 06/08/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL  
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. Bimal Roy Jad,Adv.  
Ms. Sunita Pandit, Adv.  
Mr. Amit Yadav, Adv.

For Respondent (s)Mr. Nidhesh Gupta, Adv.  
Mr. Naveen Singh, Adv.  
Ms. S. Janani,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.  
The appeal is allowed in terms of the signed order.

(N. Annapurna)  
Court Master

(V.P. Tyagi)  
Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.806 OF 2004  
(Arising out of S.L.P.(Crl.)No.2905/2003)

State of Punjab through Secretary Home  
...Appellant

Versus

Subhash Kumar & Ors.  
...Respondents

O R D E R

Leave granted.

By the impugned order, the High Court has quashed F.I.R.No.55, dated 27th April, 2001. The F.I.R. was registered against four respondents for having committed theft of cheel logs from the forest of Kukanet. In sum and substance, the allegation is of illegal felling of trees and theft of the same from the forest. Curiously, the High Court by entering into the factual arena has passed the impugned order quashing the F.I.R. Such a course is wholly impermissible. The High Court acted more as an investigating agency at a stage when the F.I.R. was under investigation. At this stage, we wish to say no more lest it may prejudice the parties.

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For the aforesaid reasons, we allow the appeal and set aside the impugned order. The investigation should continue in accordance with law.

(Y.K. SABHARWAL)

.....J.

.....J.

(D.M. DHARMADHIKARI)

New Delhi,  
August 06, 2004.