

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-27283 of 2015

.....

Date of decision:21.9.2015

Ashok Kumar

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. Vipin K. Sharma, Advocate for Mr. S.M. Sharma,
Advocate for the petitioner.

Mr. Himmat Singh, Assistant Advocate General, Haryana for
the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.38 dated 25.2.2015 registered
for the offence under Section 10 of Haryana Development and Regulation of
Urban Area Act, 1975 (hereinafter referred to as 'the Act') at Police Station
Pinjore, District Panchkula.

Notice of motion has been issued in this case.

Mr. Himmat Singh, learned Assistant Advocate General,
Haryana has put in appearance on behalf of the respondent-State and
contested this petition.

I have heard learned counsel for the petitioner and learned
Assistant Advocate General, Haryana appearing for the respondent-State
and have gone through the record.

The prosecution case is that FIR was lodged on the basis of complaint made by District Town Planner Enforcement, Panchkula against the petitioner that being owner of land, which falls within the urban area of Panchkula, the petitioner has sub-divided his land into plots and thereafter developed an unauthorized colony in violation of Sections 3 and 7(i) of the Act , and as such, he is liable to be prosecuted. During investigation, it was found that the petitioner has sold his land to 14 persons in the shape of plots.

The present petitioner has already joined the investigation. He is neither required for investigation purposes nor anything is to be recovered from him. No useful purpose will be served by sending the petitioner to custody. The petitioner is also not required for custodial interrogation.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 17.8.2015 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

September 21, 2015.

(Inderjit Singh)
Judge

hsp