

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No.16337 of 2016 (O&M)
Date of Decision: 31.05.2016**

Jaiwanti and others

..... Petitioners

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Bijender Dhankhar, Advocate for the petitioners.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana
for the respondent/State assisted by ASI Chain Singh.

JASWANT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail on behalf of five accused petitioners, namely, Jaiwanti, Balistar, Sushma, Sunil and Om Narain in case FIR No.402 dated 28.07.2015, under Sections 379, 323, 341, 420, 467, 468, 471, 506, 120-B, 34 of the Indian Penal Code and Sections 4(1) & 4(1)(A) of the Mines and Minerals (Regulation of Development) Act, 1957, registered with Police Station Gannaur, District Sonapat.

Accused-petitioners were elected Panches of Gram Panchayat. Allegation levelled by one of the complainant-Panch is that principal accused Sarpanch-Anil Kumar had unauthorisedly auctioned shamlat land of the Village for mining purposes contrary to the directions of Hon'ble the Supreme Court.

It was averred that since the auction was conducted with prior approval of the concerned authority i.e. BDPO concerned as per rules and auction money was also deposited and the offence, if any, was based on documents, principal accused-Anil Kumar has since been granted benefit of anticipatory bail by this Court.

The petitioners are sought to be implicated merely because they had signed on the proceedings book, which as per their statutory duty, they were required to do so and, therefore, no offence is made out.

Learned Counsel for the petitioners submits that the petitioners have joined the investigation and their custodial interrogation is no longer required.

Learned State Counsel, assisted by ASI Chain Singh, agrees that the petitioners have joined the investigation and their custodial interrogation is no longer required, as also admits that principal accused Anil Kumar has been granted anticipatory bail by this Court.

In view of the above, interim protection/pre-arrest bail granted by this Court, vide order dated 12.05.2016, is made absolute.

Disposed of.

May 31, 2016

Gagan

**(JASWANT SINGH)
JUDGE**