

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

CRM-M No.290 of 2016

Date of Decision:-15.02.2016

Anil Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Bijender Dhankar, Advocate for the Petitioner.

Mr. Kuldip Tiwari, Additional Advocate General, Haryana
assisted by SI Sethi Malik.

Mr. Chander Shekhar, Advocate for the Complainant.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner Anil Kumar in case FIR No.402 dated 28.07.2015 for offences punishable under Sections 379, 323, 341, 420, 467, 468, 471, 506, 120-B and 34 of Indian Penal Code and Section 4(1) and 4(1)(A) of Mines and Minerals (Regulation of Development) Act, 1957, Police Station Gannaur, District Sonapat.

As per allegations levelled by *Panch* of the Gram Panchayat Village Shahpur, Tehsil Gannaur, District Sonapat, petitioner while functioning as Sarpanch of the Gram Panchayat has unauthorisedly

auctioned the Shamlat land of the village for mining purpose contrary to the directions of Hon'ble the Supreme Court.

It is contended that the auction was conducted with the prior approval of the competent authority i.e. BDPO concerned as per rules and auction money was duly deposited in the account of the Gram Panchayat. Since the proceedings were conducted in the absence of BDPO, the auction has not yet been confirmed, however, no criminal intent can be attributed to the petitioner.

Learned Counsel for the petitioner submits that pursuant to the interim order passed by this court petitioner has joined the investigation .

Learned State counsel on instructions from SI Sethi Malik submits that pursuant to the interim order passed by this court petitioner has joined the investigation and is no longer required for custodial interrogation.

In view of the above, interim protection/pre-arrest bail granted vide order dated 08^h of January, 2016 is made absolute.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

February 15, 2016
Vinay