

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-11707-2019 (O&M)

Date of decision: 14.05.2019

Rakesh Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

On 14.03.2019, the following order was passed:-

“Prayer is for grant of anticipatory bail in case FIR No.256 dated 02.10.2018 under Sections 7 & 10 of the Haryana Development and Regulation of Urban Areas Act, 1975 (for short “the Act”) registered at P.S Chhainsa District Faridabad.

Learned counsel for the petitioner contends that the offence under the provisions of the Act is not made out against the petitioner. The petitioner had only purchased two kanal of land vide registered sale deed dated 22.10.2013 out of which only 445 Sq. Yds land was thereafter sold by him to four different persons. He has referred to the provisions of Section 2 (c) (v) of the Act, as per which, when the area of land does not exceed 1000 Sq. metres, it shall not be a colony. Thus, the provisions of the Act are not attracted. He further contends that no sanction for prosecution as required under Section 11 of the Act has been taken.

Notice of motion for 14.5.2019.

Meanwhile, in the event of arrest, the petitioner shall be

released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438(2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned State counsel has submitted that the petitioner has joined the investigation and he is not required for further custodial interrogation.

In view thereof, interim order dated 14.03.2019 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

14.05.2019

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No