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

CRM-M-45205 of 2019

Date of decision: November 25, 2019

Mahesh Yadav

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manish Soni, Advocate for the petitioner.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to petitioner, in FIR No.345 dated 15.10.2018, under Section 10 of the HUDA Act, 1975, registered at Police Station City Sohna, District Gurugram.

On 23.10.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that department has already initiated the proceedings under the provisions of Haryana Urban Development Authority Act, 1975, for short ‘1975 Act’ and even the order was passed on 13.03.2018 while taking recourse to Section 10 (2) of the 1975 Act, and thus, registration of the FIR is not legally permissible being double jeopardy.

Notice of motion for 25.11.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from Inspector Mahesh Kumar, has stated that in terms of order dated 23.10.2019, the petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 23.10.2019 granting interim bail to the petitioner, is made absolute, subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

November 25, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No