

CRM-M-20777-2020

Date of decision: 29.07.2020

Madan

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Naresh Kumar Chhokar, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to official respondent-State.

Mr. B.S. Virk, DAG, Haryana puts in appearance and accepts notice on behalf of the official respondent-State. Copy of paper book be supplied during the course of the day.

The petitioner-Madan has come up in this first anticipatory bail under Section 438 Cr.P.C. in a case bearing FIR No.39 dated 06.04.2020 under Sections 447, 427, 467, 468 and 471 of the Indian Penal Code registered at Police Station Bapoli, District Panipat, Haryana.

The present case was got registered on the complaint of Block Development and Panchayat Officer (BDPO), Bapoli. In his

complaint, the complainant alleges that in order dated 28.05.2015 passed by this Court regarding illegal occupation/possession of panchayati land directions for initiation of action against persons numbering 10 detailed in the complaint were made. In light of the said directions, the BDPO made the complaint.

The allegations against the petitioner are that he along with his co-accused/non-applicants had illegally purchased part of the Ghadha Khad (which is covered under the village common land) and raised construction over it.

Learned counsel for the petitioner *inter alia* contends that the petitioner is a poor labourer and had purchased the property in question through valid and *bona fide* sale deed and with his limited resources has built a dwelling unit and on account of his illiteracy he is unable to decipher the intricacies.

It is contended that purely because the petitioner is at loggerheads with his brother, who is a influential person, the present petitioner has been forcibly implicated and that nothing is to be recovered from him.

The learned State counsel submits that public land has been illegally sold by the functionaries of the village at the back of the authorities and therefore, in view of the directions of the Hon'ble High Court, the petitioner needs to be dealt with and is not entitled to any relief.

Going through the submissions, this Court is already

seized of the matter regarding encroachment/illegal possession/sale of public land. In consequence of any order passed by the appropriate bench, the State is well within its right to take over the possession of such properties nothing is to be recovered from the petitioner who happens to be a illiterate economically backward person. In view of these peculiar situation, it is a fit case for the grant of concession of anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to appear before the investigating officer/Magistrate within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

29.07.2020

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No