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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-21804-2019  
Date of decision-14.01.2020

Manoj

...Petitioner

Vs.

State of Haryana

...Respondent

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. J.S.Mehndiratta, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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**MANOJ BAJAJ, J. (Oral)**

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.83 dated 01.04.2019 under Sections 3, 6, 7 and 12 of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 registered at Police Station Kosli, District Rewari. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 14.05.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

*“Learned counsel for the petitioner contends that the FIR was registered for alleged violation of the provision of The Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 as the*

*alleged construction was raised in the controlled area without the requisite permission. It is contended that the offences are compoundable and the proceedings are already pending before the competent authority. It is further alleged that in the given facts of the case, the custodial interrogation of the petitioner who is Principal of the school may not be necessary.*

*Notice of motion for 23.09.2019.*

*Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”*

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by SI Suresh Kumar does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from SI Suresh Kumar further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 14.05.2019 is made absolute.

**(MANOJ BAJAJ)**  
**JUDGE**

**14.01.2020**

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No