

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-33133-2020 (O&M)
Date of Decision:-2.12.2020

Suman ... Petitioner

Versus

State of Haryana ... Respondent

II) CRM-M-34389-2020 (O&M)

Anil ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Deepanshu Mehta, Advocate and
Ms. Harneet Pannu, Advocate,
for the petitioner in CRM-M-33133-2020.

Mr. Vikas Gulia, Advocate,
for the petitioner in CRM-M-34389-2020.

Mr. Karan Sharma, AAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the aforesaid two petitions filed on behalf of petitioners Suman and Anil seeking grant of anticipatory bail in respect of a case registered vide FIR No.212 dated 23.6.2019 at Police Station Kharkoda, District Sonapat under Sections 379, 406 and 409 of Indian Penal Code.
2. At the time of issuance of notice of motion in CRM-M-33133-2020, the following order was passed:

“The case has been taken up for hearing through video-conferencing.

Learned senior counsel for the petitioner contends that the petitioner was nominated on the basis of disclosure statement of Anish Kumar, who has already been granted regular bail by the Sub Divisional Judicial Magistrate, Kharkhoda. Petitioner is the sarpanch of Gram Panchayat, Sohti. Vide letter dated 27.5.2019, petitioner herself informed the office of Block Development Panchayat Officer, Kharkhoda in respect of illegal mining. Block Development Panchayat Officer, Kharkhoda conducted enquiry in respect of illegal excavation of soil from the panchayat land and it has been found that one Anish Kumar has lifted the soil for his agricultural use from the leased land and has caused loss to the gram panchayat. Petitioner has been exonerated in the said enquiry. Anish Kumar has already deposited the amount towards the loss caused to the gram panchayat. The enquiry report dated 31.5.2019 submitted by the Block Development Panchayat Officer, Kharkhoda has been endorsed by the Sub Divisional Magistrate in his enquiry report dated 10.7.2019, wherein, it has been observed that the petitioner is not at fault and Anish Kumar has already deposited the fine amount.

Notice of motion for 2.12.2020.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 20.10.2020 at 11.00 a.m. and in the event of her arrest, she shall be enlarged on ad interim bail, subject to her furnishing requisite bail bonds/surety bonds to the

satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Subsequently the aforesaid petitioner Suman’s husband i.e. petitioner Anil also filed a petition, wherein also notice of motion was issued and the petitioner Anil was also granted interim bail.
4. The learned State counsel, upon instructions from SI Inderjeet, has informed that pursuant to interim directions issued by this Court both the petitioners have joined investigation and are cooperating with the same and that the petitioners are not required for any custodial interrogation.
5. In view of the aforestated position, wherein both the petitioners are stated to have joined investigation and are cooperating with the same, custodial interrogation is not warranted. Both the petitions, as such, are accepted and the interim directions issued by this Court vide orders dated 16.10.2020 and 30.10.2020 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

2.12.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No