

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

CRM-M-9518-2021 (O&M)
Date of Decision:-1.9.2021

Mukesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kunal Dawar, Advocate for the petitioner.

Mr Rajiv Sidhu, DAG, Haryana.
assisted by SI Devdutt.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No.240 dated 13.7.2020 registered at Police Station Adarsh Nagar, Ballabgarh, District Faridabad under Sections 3 and 7(i) of Haryana Development & Regulation of Urban Area Act, 1975, wherein the allegations, in nutshell, are to the effect that the petitioner is carving out a colony on his land without seeking requisite permission and has infact also issued an advertisement for sale of plots in the proposed colony.
2. While granting interim bail to the petitioner on 17.3.2021, the following order was passed:

“ Written reply along with annexures filed by the State counsel be taken on record.

Learned counsel for the petitioner states that the offence against the petitioner is of technical nature and petitioner is ready and willing to join the investigation and cooperate there with. In support of his contentions he has referred to various judgment i.e. CRM No. M-19669 of 2013 Satpal versus State of Haryana, CRM-M-40727 of 2016(O&M) Rajinder versus State of Haryana, CRM-M--48590 of 2018(O&M) Durga Shankar Mishra and another versus State of Haryana, CRM-M-27909 of 2016 Mohan Lal Gupta versus State of Haryana, CRM-M-46810 of 2017 Rajesh versus State of Haryana. I find it proper and appropriate to direct the petitioner to join the investigation.

Under such circumstances, the petitioner is directed to join investigation by contacting the Investigating Officer within 7 days from today and render all sort of cooperation. The petitioner has to surrender his Passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard. The next date of hearing is fixed as 12.5.2021. If, in the meanwhile, he is arrested, he be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer.”

3. Learned State counsel, upon instructions from SI Devdutt, has informed that pursuant to interim directions the petitioner has since joined investigation and is not required for any custodial interrogation.
4. Having regard to the facts and circumstances of the case and while noticing that the case is mainly based on documentary evidence, wherein the petitioner has already joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 17.3.2021 are hereby made absolute subject to the condition that the petitioner 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.

1.9.2021
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No