

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12548-2024

Date of Decision: 03.04.2024

Vijay Kumar

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Nippun Sharma, Advocate for Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.136 dated 30.12.2023, registered under Sections 3/6/9/14(2)/15/18 of Punjab Apartment & Property Regulation Act, 1995 & Section 420, 120-B of IPC, at Police Station Maqsudan, District Jalandhar Rural.

2. The FIR in the present case was got registered by the complainant with the allegations that an unauthorized colony, without the permission of the competent Court, had been carved out. Learned counsel for the petitioner contends that the petitioner had submitted an application on 29.10.2013 for regularization of colony namely, Kotla Colony, situated in Revenue Estate of Village Kotla, Tehsil & District Jalandhar, under the scheme of the Government. However, his application was rejected by the Competent Authority on 04.07.2016. Against the said rejection, the petitioner has filed an appeal before the Appellate Authority-cum-Chief Administrator, PUDA, SAS Nagar, Mohali

and the said appeal is stated to be pending. Learned counsel further contends that co-accused, namely, Madan Lal Sethi has been granted the concession of interim anticipatory bail. He further contends that the entire case is based on documentary evidence and his custodial interrogation will not be required in the present case.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and submits that the petitioner is the main accused and does not deserve the concession of bail.

4. I have heard learned counsel for the parties and perused the record.

5. It is apparent that the case of the parties hinges on documentary evidence, which has already been taken into possession by the police. Apart from that, co-accused Madan Lal Sethi has already been granted the concession of interim anticipatory bail. Still further, the appropriate proceedings under the provisions of Punjab Apartment & Property Regulation Act, 1995 are still stated to be pending before the Competent Authority.

6. Thus, without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

(N.S.SHEKHAWAT)
JUDGE

03.04.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No