

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.35149-2015
Date of decision : 03.12.2015**

Naveen Garg

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Narinder Hooda, Senior Advocate with
Mr. Nishant Raj, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

Mr. Ritesh Pandey, Advocate
for the complainant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case F.I.R. No.97 dated 24.05.2013 registered under Section 420 IPC at Police Station City Gurdaspur, District Gurdaspur, Punjab.

On 13.10.2015 the following order was passed :-

“Learned Senior Counsel has argued that the petitioner was never summoned by the police since he was being summoned as Naveen Sharma instead of Naveen Garg and this fact has been reflected in order dated 20.04.2015 (Annexure

P-4). He further states that the petitioner has no objection in appearing before the Court but he may be granted protection since at best the dispute is a money dispute.

Notice of motion.

On the asking of the Court, Mr. Ashish Sanghi, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned DAG during the course of the day.

Adjourned to 03.12.2015.

In the meantime, let the petitioner appear before the trial Court who shall release him on interim bail to its satisfaction.”

Learned counsel for the petitioner states that the petitioner has now appeared and has been released on interim bail and is facing trial.

Learned counsel for the complainant has vehemently argued that the conduct of the petitioner and his antecedents do not entitle him to bail however, he has not been able to deny that originally the petitioner was being inadvertently summoned in the name of Naveen Sharma and it was only after going through the order dated 20.04.2015 that the Court for the first time realised that mistake and ordered summons to the petitioner in the correct name i.e. Naveen Garg for 03.12.2015.

In this view of the matter, despite the allegations being levelled against the conduct and character of the petitioner, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner.

Resultantly, the petition is allowed and the interim bail granted by the trial Court is made absolute.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

03.12.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**