

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

**CRM-M-31357-2018
Date of decision: 01.11.2018**

Rishi Garg

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Jatana, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 41 dated 20.06.2018, registered under Sections 353, 427, 279 read with Section 34 IPC and Section 22/61/85 of the NDPS Act (added later on) at Police Station Budhlada, District Mansa.

The operative part of the order dated 09.08.2018, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that on 18.07.2018, while granting interim anticipatory bail to co-accused Vinod Kumar @ Kali, following order was passed in CRM-M-29033-2018: -

“Counsel for the petitioner has submitted that FIR No.41 was registered under Sections 353, 427, 279 read with Section 34 IPC on account of rash driving of the co-accused namely Rishi Garg, who had broken the police barrier and thereafter, the car hit a tree. The police party, after enquiring the names and addresses of the occupants of the car, came to know that the person driving the vehicle was Rishi Garg along with the present petitioner – Vinod Kumar @ Kali and they were taken to Government Hospital, Budhlada for first aid. It

is further submitted that later on, a Rapat No.39 dated 20.06.2018, was also registered with the allegation that while the police party was conducting the investigation of the aforesaid FIR No.41, during the search of the car, they found certain contraband and thereafter, in the FIR offence under Section 22/61/85 of the NDPS Act was also added. Counsel for the petitioner has also submitted that the petitioner is neither the owner nor driver of the car and the recovery has been effected in the absence of the occupants of the car and, therefore, it will be a debatable issue as to whether they were found in conscious possession of the contraband or not. Counsel for the State, on instructions from ASI Darshan Singh, has not disputed the factual position and has submitted that during the search of the car, the narcotics were recovered and the petitioner was one of the occupant of the car, which met with an accident earlier on the day. List again on 01.11.2018. In the meantime, the petitioner is directed to appear before the Investigating Officer on 30.07.2018 at 10:00 am or on any other date or time fixed by him, to join investigation and he shall be released on interim bail subject to the following conditions:- 1. He shall make himself available for interrogation by a police officer as and when required; 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and 3. He shall not leave India without previous permission of the Court.”

Learned counsel for the petitioner further submits that the petitioner was not arrested at the spot and he is not registered owner of the car, though as per the allegation, he was driving the car. It is further submitted the petitioner is not involved in any other case under the NDPS Act. Learned State counsel, on instructions from ASI Gurdarshan Singh, has not disputed the factual position and submitted that registered owner of the car is father of the present petitioner and the petitioner is not involved in any

other case. List again on 01.11.2018.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 09.08.2018, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Bhagwan Dass, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 09.08.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

November 01, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No