

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-10307-2023 (O&M)

Reserved on: 27.02.2023

Pronounced on: 04.05.2023

Kapil Garg

... Petitioner(s)

Versus

State of Punjab & another

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Sourabh Goel, Advocate and
Ms. Shivani Sahni, Advocate
for the petitioner(s).

Mr. IPS Sabharwal, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
51	2.5.2021	Longowal, Sangrur	420, 120-B IPC

Petitioner, whose bail was cancelled by the Sessions Court, had come up before this Court by filing CRM-M-40525-2021, which was disposed of having been withdrawn vide order dated 16.02.2023 with liberty to file a bail petition before this Court under section 439 CrPC without surrendering on deemed custody, with further liberty to be released on interim bail till 28.02.2023.

2. Thereafter, the petitioner has come up before this Court under Section 439 CrPC with permission to surrender before the trial Court, with a further prayer to extend the interim order of stay of arrest till then. Vide order dated 27.02.2023, this Court had extended the interim order till pronouncement of judgment.

3. As paragraphs 6 and 8 of the petition, the petitioner was arrested on 6.5.2021 and was released on 6.7.2021 on default bail.

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4. Aggrieved by the order dated 6.7.2021 of default bail, the complainant filed revision petition before the Sessions Court for cancellation of bail to the petitioner-accused. Pursuant to that, Additional Sessions Judge, Sangrur ordered cancellation of

bail granted to the petitioner vide order dated 17.9.2021 and directed the accused to surrender.

5. Challenging the said order, the petitioner-accused had come up before this Court and this Court granted him interim protection, which is continuing till date and he is continuing appearing before the trial Court.

6. The offences involved in this case are under Sections 420/120-B IPC and the petitioner remained in custody for two months.

7. Given above, this petition is allowed, with a direction to the petitioner to appear and surrender before the trial Court between 15.5.2023 to 22.5.2023. The petitioner shall be released on bail on same day he appears before the trial Court, subject to the satisfaction of the trial Court and imposing any reasonable conditions, as it may deem appropriate in the background of the accused’s conduct. It is clarified that the trial Court shall not insist for more than one surety and that too any local surety. Further, it shall be permissible for the petitioner to furnish fixed deposit in lieu of surety in terms of judgment of this Court in Mahidul Sheikh v. State of Haryana, CRM-33030-2021 in CRA-S-363-2020, decided on 14-01-2022, Para 53, [Law Finder Doc Id # 1933969].

8. The petitioner shall not be arrested till 22.5.2023 at 5-00 PM. However, it is clarified that in case the petitioner does not appear and surrender before the trial Court between 15.5.2023 to 22.5.2023, then this order shall stand recalled automatically under section 362, read with 482 CrPC and the petition shall stand dismissed for non-prosecution without any further reference to this court.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

10. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed to the extent and subject to the conditions mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

May 04, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No