

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-40292-2023

Date of decision: 20.09.2023

Kishmish Garg

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Ritu Punj, Advocate,
Mr. Sahaj Punj, Advocate,
Ms. Navdeep Kaur, Advocate and
Mr. Meghraj, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.44 dated 04.04.2019 under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Nihal Singh Wala, District Moga.

2. On the last date of hearing, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to appear and surrender before the Trial Court within 10 days:-

“Learned senior counsel for the petitioner inter alia contends that the petitioner was found innocent during investigation and thus was not challaned along with other accused. He was, however, subsequently summoned under Section 319 of the Cr.P.C. to face trial as an additional accused, therefore, there is a genuine apprehension on his part that he could be arrested and sent to custody when he would appear before the Trial Court. In the above facts and circumstances, custodial interrogation of the

petitioner would not be required as it would not serve any useful purpose.”

3. Learned counsel for the petitioner submits that in compliance of order dated 17.08.2023, the petitioner has appeared and surrendered before the Trial Court and thereafter admitted to interim bail vide order dated 19.08.2023.

4. Learned State counsel, on instructions from ASI Lal Chand, does not dispute the factum of the petitioner having appeared and surrendered before the Trial Court and thereafter admitted to interim bail.

5. In view of the above, the petition is allowed and interim order dated 17.08.2023., is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

20.09.2023

(MANJARI NEHRU KAUL)

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JUDGE

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