2024:PHHC:104470

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

212

CRM-M-31946-2024 (O&M)
Date of Decision:- 12.08.2024

NIRMAL SINGH @ NIMMA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Harpreet Maini, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG Punjab.

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SANJIV BERRY, J. (ORAL)

1. By way of present petition filed under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
112	05.09.2021	307, 186, 353, 333, 120-B IPC; 25 and 27 of the Arms Act	Sadar Moga, District Moga

2. Learned counsel for the petitioner has submitted that in compliance to the orders dated 08.07.2024 and 25.07.2024 passed by this Court, the petitioner has appeared in the Court and furnished his requisite bail bonds. He has placed on record copy of the order dated 29.07.2024, whereby the petitioner has been admitted on interim bail by the learned trial Court.

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3. Learned State counsel has not disputed the aforesaid factum.

4. Heard.

5. During the course of proceedings on 08.07.2024, the following order was passed.

> *2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner was granted concession of bail by the learned Additional Sessions Judge, Moga, vide order dated 15.02.2022 (Annexure P-2) and thereafter he had been regularly appearing before the learned Trial Court. She contends that the case titled State vs.Darshan Singh @ Kala etc., bearing No. SC-212-2022, was fixed for report qua the accused Bharat Bhushan on 01.07.2024 (Annexure P-4). She contends that on the way to attend the Court, the petitioner met with an accident and suffered injuries and in this regard, Annexure P-3 is placed on record, due to which the petitioner could not appear before the learned Trial Court on the date fixed leading to passing of the order dated 01.07.2024 (Annexure P-4) cancelling the bail of the petitioner and summoning him through non bailable warrants of arrest for 18.07.2024.*
>
> *3. It is further contended by learned counsel for the petitioner that the petitioner is also facing other criminal case but he is on bail in that case. She further contends that the petitioner is ready to join in investigation and that in case the petitioner is granted concession of bail, the petitioner will regularly appear in the Trial Court on each and every date, without fail, in future.*
>
> *4. Notice of motion.*
>
> *5. On the asking of the Court, Mr. Ankit Grewal, DAG, Punjab, present in Court, accepts notice on behalf of the State- respondent and does not dispute the factual matrix of the case. She prays for time to file the status report/reply in the matter.*
>
> *6. Adjourned to 25.07.2024.*
>
> *7. Needful be done well before the date fixed with an advance copy to the counsel opposite.*
>
> *8. Keeping in view the above facts and circumstances, the petitioner is directed to appear before the learned Trial Court/Duty Magistrate concerned with in a period of 07 days from today and in that event, he is ordered to be released on interim bail subject to the petitioner furnishing requisite bail bonds/surety bonds to*

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the satisfaction of the learned Trial Court.

9. The petitioner shall also furnish a specific undertaking before the learned Trial Court that, in future, he would be regularly appearing before the concerned Court on each and every date and in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed.

6. Keeping in view the fact that the petitioner has already appeared in the Court and furnished his requisite bail/surety bonds consequent to the orders dated 08.07.2024 and 25.07.2024 passed by this Court, the present petition is allowed. The order dated 01.07.2024 (Annexure P-4) passed by learned Sessions Judge, Moga is set aside and the interim bail granted vide orders dated 08.07.2024 and 25.07.2024 is hereby confirmed.

7. The petition stands allowed.

8. Pending applications, if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

12.08.2024
S.Sharma(syr)

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No

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