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

(Through video conferencing)

**CRM-M No.418 of 2020
Date of Decision: 06.08.2021**

NITIN KUMAR ABBI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Raj Karan Singh, Advocate for
Mr. Namit Gautam, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail in case bearing FIR No.162 dated 27.07.2019 registered under Sections 341/323/427/34 IPC and Section 3 of the PDPPA 1984 at Police Station Goraya District Jalandhar.

Learned counsel for the petitioner submitted that the alleged role attributed to the petitioner is that of entering in the temple and thereafter had a fight and caused destruction to the temple property.

Learned counsel further submitted that the complainant

had interim order in his favour by the civil court in the context of reforming the affairs of the temple. No recovery is to be effected from the petitioner. No injury has been caused to anyone.

Notice of motion was issued on 09.01.2020 by passing the following order:-

“Learned counsel for the petitioner has inter alia contended that even as per the FIR, only role attributable to the petitioner is that he had entered in the temple, had a fight and made destruction to some property. Learned counsel for the petitioner submits that false FIR has been registered against him because the complainant had interim order in his favour by the civil court and the petitioner was only wanting to reform the affairs of the temple. Learned counsel further submits that no recovery is to be made in the present case and more over this is not a case where injury is caused to the complainant.

Notice of motion for 19.03.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

9th January, 2020

Shivani Kaushik

**[JASGURPREET SINGH PURI]
JUDGE”**

Learned counsel for the petitioner submitted that in compliance of the aforesaid order, the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from ASI Harjeet

Singh admits the aforesaid fact and submits that after filing of challan, charges have been framed on 17.03.2021. Petitioner had already joined the investigation on 16.01.2020. After filing of challan and framing of charges, custody of the petitioner is not required for any custodial interrogation. Learned State counsel has no objection in case, interim order dated 09.01.2020 is made absolute.

In view of aforesaid factual position, the interim order dated 09.01.2020 is made absolute. However, the petitioner shall keep on appearing before the trial Court on each and every date of hearing.

Petition stands disposed of.

August 06, 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

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