

203-A

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

(Through video conferencing)

**CRM-M No.1255 of 2020
Date of Decision: 06.08.2021**

SUMIT KUMAR

.....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 breaking the mirror of the hospital with a fist blow and one of the piece of the broken mirror hit the bicep of left arm of nephew of the complainant.

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.

Notice of motion was issued on 14.01.2020 by passing the following order:-

“Learned counsel for the petitioner has submitted that as per FIR, the role attributed to the petitioner is that he had broken the mirror of the hospital with a fist blow and one of the piece of the broken mirror hit the bicep of left arm of nephew of the complainant. He has further submitted that the present FIR is false one 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 and that breaking of mirror and the injury, if any, was due to sudden fight between petitioner and the complainant. Learned counsel further submits that in the present case no recovery is to be effected from the petitioner and it is not a case where any grievous injury has been caused to anybody.

Notice of motion for 19.3.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

To be heard alongwith CRM-M-418 of 2020.

January 14, 2020

Vijay Asija

**[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 14.01.2020 is made absolute.

In view of aforesaid factual position, the interim order dated 14.01.2020 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
Whether reportable

Yes/No
Yes/No