

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

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CRM-M No.40237 of 2020

Date of Decision:29.01.2021

SURINDER KUMAR @ BHIMA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.P.S.Rehan, Advocate
for the petitioner.

Mr.Amar Ashok Pathak, Addl.A.G.Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through
video-conferencing.

This petition has been filed under Section 438
Cr.P.C. seeking anticipatory bail in case bearing FIR No. 107
dated 13.11.2020 under Sections 353 and 186 IPC registered
at Police Station Garhdiwala District Hoshiarpur.

On 03.12.2020, while issuing notice of motion,
following order was passed:-

*“The case has been taken up for hearing
through video-conferencing.*

*Learned counsel for the petitioner
contends that the offence under Section 353 IPC is*

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an aggravated offence of Section 186 IPC. Section 186 IPC is non cognizable in nature. Learned counsel places reliance on Nirbhai Singh vs. State of Punjab and another, 2009 (4) RCR (Crl.) 614 and Ram Kumar vs. State of Haryana 1998 (1) PLR 633.

Learned counsel further submits that the request for not urinating near the wall of Mandir has resulted in the aforesaid allegations.

Notice of motion for 29.01.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 07.12.2020 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on ad interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from ASI Darshan Singh, states that the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer and he is not required in any further investigation of the case.

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In view of above interim order dated 03.12.2020 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

January 29, 2021

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No