

213 (1st case)

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

**CRM-M No.47103 of 2023 (O&M)
Date of decision : 20.12.2023**

Ashok Kumar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Pankaj Kalia, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.226 dated 13.07.2023 (P-1), under Sections 295, 160, 427 read with Section 149 of the Indian Penal Code, 1860 (Sections 295-A & 120-B IPC added later on), registered at Police Station, City Tarn Taran, District Tarn Taran.

(2) Above FIR was registered on the basis of statement made by complainant-Parmod Kumar @ Bittu with the allegations that petitioner, along with other co-accused, entered into the temple premises; broke the lock

of donation box; damaged the door and disconnected the wires of the CCTV Cameras.

(3) This Court, on 31.10.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter-alia that co-accused (Subhash Tejpal @ Subhash Chander Tejpal) has already been granted the concession of pre-arrest bail vide order dated 10.10.2023.

Notice of motion.

On the asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab accepts notice on behalf of respondent-State and seeks time to find out the fate of order dated 10.10.2023.

Posted on 20.12.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.

At this stage, Mr. Umesh Aggarwal, Advocate, appears on behalf of the complainant..”

(4) Learned Counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from ASI Sukha Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) In view of above, interim order dated 31.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (9) Disposed off accordingly.
- (10) Pending application(s), if any, shall also stand disposed off.

20th December, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No