

2024:PHHC:087509



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

208

CRM-M-20743-2024 (O&M)
Date of decision: 15.07.2024

Ashwani Kumar @ Kuku ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. A. S. Samra, AAG, Punjab.

Ms. Aayushi Jindal, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

- Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 226, dated 13.07.2023, under Sections 395, 427, 149 and 160 of IPC (Sections 295-A and 120-B of IPC added later on) at Police Station City Tarn Taran, District Tarn Taran.
- Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR was registered on 13.07.2023 on a written complaint filed by the complainant Parmod Kumar Bittu alleging therein that the petitioner along with his associates Rohit Sharma, Ashok Aggarwal, Kuldeep Singh Babbu, Subhash Tejpal, Awanjit Bedi, Manoj Agnohotri, Gagan Afridi, Abhinandan Gupta, Deepak Sood Bedi and 5-7 unknown persons had entered into the temple and broken the locks of cash

2024:PHHC:087509



box and also damaged the doors. They had also disconnected the wires of CCTV camera but he had recording of the said incident. It was alleged that one Pankaj Deveshar, who claims to be National President of Bhagwa Sena Sangthan, had received one video, in which, the petitioner is seen passing urine within the temple. It was claimed that the religious sentiments of the community were hurt with the said video and legal action was sought against the culprits. On this complaint, the FIR in question was registered. Investigation proceedings were initiated and the same are going on. Apprehending his arrest, the petitioner had moved an application before the Court of learned Additional Session Judge, Tarn Taran but the same had been dismissed, vide order dated 14.08.2023. Therefore, the petitioner has filed the present petition.

3. Vide order dated 07.05.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 07.05.2024, passed by this Court, reads as under:

“Contends that co-accused with similar allegations have already been granted the concession of pre-arrest bail by this Court vide orders dated 10.10.2023 (P-7), 20.12.2023 (P-8) & 13.02.2024 (P-9), respectively.

Notice of motion.

Ms. Manjot Kaur, AAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Ms. Aayushi Jindal, Advocate for Mr. Umesh Aggarwal, Advocate, causes representation on behalf of the complainant.

Posted for 15.07.2024.

2024:PHHC:087509



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 the Code of Criminal Procedure, 1973.”

4. Learned State counsel, assisted by learned counsel for the complainant and in terms of the status report filed today in Court, has submitted that the petitioner has joined investigation on 08.05.2024 and he is not required for custodial interrogation.

5. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 07.05.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

15.07.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No