

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

**CRM-M-61181-2023 (O&M)
Date of decision : 13.02.2024**

Rohit Kumar and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pankaj Kalia, Advocate for the petitioners.

Ms. Avneet, AAG, 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 petitioners in FIR No.226 dated 13.07.2023, under Sections 295, 427, 149, 160 of the Indian Penal Code, 1860 (Sections 295-A & 120-B, IPC added later on vide G.D. No.54 dated 10.08.2023), registered at Police Station City Tarn Taran, District Tarn Taran.

(2) Above FIR was registered on the basis of complaint made by Parmodh Kumar @ Bittu, President of Sanatan Dharam Sabha, Tarn Taran,

with the allegations that petitioners, along with other co-accused, entered the premises of the temple; broke the lock of donation box and damaged the door. Also alleged that wires of the CCTV Cameras, installed in the temple, were disconnected by the accused.

(3) This Court, on 20.12.2023, granted interim bail to petitioner and the order reads as under:-

“On request of learned State Counsel, posted for 13.02.2024.

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

(4) Learned Counsel submits that in pursuance of the above order, petitioners have joined investigation and their custodial interrogation is not required.

(5) Learned State Counsel, on instructions, acknowledged that both the petitioners have joined investigation and as on today, their custodial interrogation is not required.

(6) In view of above, interim order dated 20.12.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(7) It is also made clear that petitioners 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) It is clarified that in case there is recurrence on the part of the petitioners, State would be at liberty to move an appropriate application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

13th February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes