

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

**CRM-M-1502-2023 (O&M)
Date of decision : 23.11.2023**

Pushpinder Singh (as per FIR Sony @ Jony)

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Isha, Advocate for
Mr. Pardhuman Garg, 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.156 dated 23.12.2022, under Section 295-A & 120-B of the Indian Penal Code, 1860, registered at Police Station, Jaitu, District Faridkot.

(2) Above FIR was registered on the basis of statement made by complainant-Balwinder Singh with the allegations that on 19.12.2022,

petitioner along with a female (co-accused) were caught red handed by him in compromising position in a room of the Gurudwara Sahib and their such act was alleged to be in criminal conspiracy with the then *Granthi*.

(3) The Coordinate Bench, vide order dated 27.01.2023, granted interim bail to petitioner and the same reads as under:-

“The petitioner is seeking anticipatory bail in the case bearing FIR No.156 dated 23.12.2022 under Section 295-A/120-B IPC registered at Police Station Jaitu, Faridkot.

Briefly, the FIR has been registered on the basis of the statement of Balwinder Singh alleging that the petitioner alongwith a female was indulging in obscene act in a room where utensils are kept in the Gurudwara premises.

Learned counsel for the petitioner contends there is delay of 04 days in lodging the FIR, the complainant had submitted an affidavit to the effect that the FIR was registered due to some misunderstanding and as per his instructions, no CCTV cameras have been installed in the premises which could indicate the presence of the petitioner during the relevant period of time.

Learned State counsel, on instructions from ASI Nachhatar Singh, contends that no CCTV cameras have been installed in the premises of the Gurudwara.

Adjourned to 19.05.2023.

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.”

- (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 Chamkaur 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 27.01.2023 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.

November 23, 2023

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>