

RAJWINDER SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Prince Goyal, Advocate for the petitioner.
Mr. M.S.Nagra, AAG Punjab.

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VIVEK PURI, J. (ORAL)

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

Custody certificate has been taken on record.

Briefly, as per the allegations in the FIR, the petitioner was employed to do Kirtan and manage the affairs of a Gurudwara. On 19.12.2022, he left for personal work without informing anyone and left the affairs of the Gurudwara to be managed by his uncle Sony @ Jony. The co-accused Sony @ Jony alongwith a female were indulging in obscene act in a room where utensils are kept in the Gurudwara premises.

Learned counsel for the petitioner contends that the co-accused who were allegedly indulging in the obscene activities have been granted bail by this Court. The alleged incident took place when the petitioner was not present in the premises of the Gurudwara. No CCTV cameras were installed in the premises which may indicate the presence of the co-accused. Furthermore, the complainant has also submitted an affidavit to the effect that on account of some misunderstanding, the case was got registered. The petitioner is in custody for a period of 2 months and 18 days. Though he is involved in another case under Section 365 IPC but the FIR pertains to the year 2017.

Learned State counsel has opposed the bail application on the score that the matter is still at the stage of investigation and the petitioner has permitted the premises of a holy place to be used for obscene activities by the co-accused.

It is significant to note that the co-accused who were allegedly indulging in the obscene activities have been granted bail. Pushpinder Singh @ Sony @ Jony has been granted interim bail by this Court whereas the girl with whom he was allegedly found in a compromising position has been granted regular bail in terms of the order dated 24.01.2023 passed in CRM-M-2800-2023. The custodial interrogation of the petitioner is over and he has been remanded to judicial custody. The petitioner is in custody for a period of 2 months and 18 days. The offence is triable by the Court of Judicial Magistrate First Class. The conclusion of investigation and presentation of challan is likely to take some time. As such, no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

15.03.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No