

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

CRM-M-39011-2023

Date of Decision: 16.08.2023

**JOGA SINGH @ MUNIM
V/S**

... PETITIONER

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. C.M.Munjhal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. I.S.Khara, Advocate for the complainant.
* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 123 dated 24.06.2023 under Sections 384, 354-A IPC (Sections 452, 354, 506 IPC added later on), registered at Police Station Lambi, District Sri Muktsar Sahib.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that the petitioner was working as a care taker in the house of Brigadier Shamsher Singh. The husband of the complainant was rendering the services of a *Granthi* in the room where the holy Shri Guru Granth Sahib was installed. The husband of the complainant indulged in the act of sacrilege. The petitioner was having video clip of the incident and threatened to make it viral. The allegation of the complainant is to the effect that on that pretext, the petitioner had asked for sexual favours from the complainant. It has been submitted that the allegations in the statement of the complainant do not make out a case under Section 384 IPC and the offence under Section 354-A IPC is bailable. The allegations with regard to offence under Section 354 and 452 IPC have been introduced in the supplementary statement which has been recorded after 3 days of the registration of the FIR with an intention to aggravate the gravity of allegations.

Moreover, the offence under Section 452 IPC may not be attracted as the

petitioner is also working as a care taker in the house where the alleged incident took place. The custodial interrogation of the petitioner is over and he has been remanded to judicial custody.

4. Learned State counsel and counsel for the complainant have opposed the bail application on the score that the matter is still at the stage of investigation.

5. It has not been disputed that the allegations in the FIR may not attract the offence under Section 384 IPC and the offence under Section 354-A IPC is bailable. The allegations with regard to commission of offence under Sections 452 and 354 IPC have been spelt out by the complainant in the supplementary statement which has been recorded after a delay of 3 days. The petitioner is in custody for a period of 1 month and 19 days. The custodial interrogation of the petitioner is over and he has been remanded to judicial custody. The offences are triable by the Court of Judicial Magistrate. The conclusion of investigation and trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. 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.

7. The petition is allowed.

16.08.2023

Janki

(VIVEK PURI)
JUDGE