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

CRM-M-42535-2023 (O&M)

Date of decision : 10.10.2023

Subhash Tejpal @ Subhash Chander Tejpal

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Mr. C.L. Pawar, Addl.A.G., Punjab,
assisted by ASI Gurbhej Singh.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.226 dated 13.07.2023, under Sections 295, 427, 149, 160 (Sections 295-A & 120-B added subsequently) of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station City Tarn Taran.

2. Above FIR was registered on the basis of statement made by one Parmodh Kumar @ Bittu with the allegations that petitioner along with other co-accused entered in the temple premises; broke the lock of donation box; damaged the door of temple; and disconnected wires from the CCTV cameras installed therein.

3. This Court, on 11.09.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Learned Counsel for the petitioner as well as complainant submit that parties be relegated for mediation.

If that be so, let both sides appear before the Mediator, Mediation & Conciliation Centre of this Court on 28.09.2023 for exploring the possibility of amicable settlement, if any, and report be submitted to this Court on or before 10.10.2023.

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

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 11.09.2023 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.

10.10.2023
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No