

CRM-M-48385-2018

Date of Decision : 09.11.2018

Vikram @ Vicky @ Vikramjit Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Navjot Singh, Advocate
for the petitioner.Mr. Rajesh Bhardwaj, Sr. DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

The allegations against accused-petitioner, Vikram @ Vicky @ Vikramjit Singh in this bail application under Section 438 Cr.P.C. filed in a case bearing FIR No.181 dated 14.10.2018 (Annexure P-1) under Sections 409, 406, 120-B of the Indian Penal Code registered at Police Station Nihal Singh Wala, District Moga, are to the effect:- the case was got registered on the basis of secret information received on 14.10.2018 by the police wherein, it was alleged that they have come to know from reliable sources that the wheat bags stored by the Punjab State Warehousing Corporation (PSWC) at Nihal Singh Wala, Moga, in the godown of M/s Chhinderpal Singh, were being loaded in a truck bearing No.PB02T-9757 owned by the petitioner, whose driver was Dharampal Singh, co-accused/non-applicant

and on raid, the truck was intercepted with 211 bags of wheat and it is alleged that the petitioner managed to escape.

Learned counsel for the petitioner *inter alia* contends that there is no semblance of evidence to connect the petitioner with the commission of offence and it is a pure political rivalry between Mahesh Inder Singh, the ex-MLA of Baghapurana and Darshan Singh Brar, the present MLA of Baghapurana as the petitioner had supported the former at the elections and that recovery, if any, has already been effected and that the petitioner has no connection whatsoever with the alleged truck in question and has placed reliance on Annexure P-2 (copy of the RC of the Truck).

The learned State counsel, on behalf of the State, assisted by Sub Inspector Balraj Mohan has sought to oppose the relief on the grounds that custodial interrogation of the petitioner is very much required as property of State was being usurped and in view of the heinousness of the crime does not call for any relief.

Appreciating the submissions of both the sides, it is neither the case of the State that petitioner was in custody of the goods and rather the own allegations of the State bear out that the Manager of the Punjab State Warehousing Corporation (PSWC) Sandeep Singh, co-accused and Godown Assistant Lakhvir Singh, both non-applicants were instrumental in taking away the goods from the godown which was in their possession officially and that admittedly, the recovery has already been effected. The question of identity of the petitioner is also a debatable issue together with the role

assigned to petitioner as the learned State counsel was unable to answer the query of the Court as to any cogent and reliable evidence that have been collected to support the allegations against the petitioner except the statement of co-accused legality, validity of which is subject to judicial adjudication. Joining of the petitioner in the investigation would suffice the purpose.

In view of the aforesaid, the present petition is allowed. Petitioner would appear before the Investigating Officer within 15 days from today. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

09.11.2018

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No