

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-53817 of 2018

Date of Decision: December 11, 2018

Vipan Kumar		Petitioner
	Versus	
State of Punjab		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. R.S. Attri, Advocate
for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose of the third application for anticipatory bail under Section 438 Cr.P.C. of accused/petitioner-Vipan Kumar moved in case bearing FIR No. 190 dated 27.08.2016 under Sections 406 and 120-B IPC and, subsequently, offence under Section 420 IPC has been added which necessitated filing of this petition.

This Court vide detailed order dated 14.09.2018 passed in CRM M-983 of 2017 had allowed the anticipatory bail application of petitioner-Vipan Kumar, copy of which is placed on the record.

Now the only opposition that has come about from Mr. Dhruv Dayal, Senior DAG, Punjab assisted by ASI Gurmeet Singh, Police Station Civil Lines, Batala, District Gurdaspur is that during custodial interrogation co-accused Jeewan, father of the petitioner has disclosed that the petitioner in league with Munim Chamkaur Singh had been swiping the cards and as a consequence of which the bags were released and they used to sell the same in open market contrary to the terms of the allotment.

The contentions of the counsel for the petitioner that the petitioner has been subsequently roped in after his anticipatory bail application was allowed by this Court vide order dated 14.09.2018 is reflective of the vengeance heaped upon the petitioner by the Investigating Agency.

To the specific query of this Court posed to the learned State counsel as to the legal worth of such a statement of the co-accused and the other independent evidence that has been collected oral or documentary, Mr. Dhruv Dayal, Senior DAG, Punjab with all fairness has stated at the bar that there is no such evidence worth credence to this effect keeping in view that the petitioner has already been allowed anticipatory bail by this Court in the main case and, subsequently, as is apparent, for a motivated cause offence under Section 420 IPC has been added.

In the light of what has been discussed above, together with the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. Therefore, in the event of arrest, the petitioner be released on bail to the satisfaction of Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. On presentation of challan shall be released on regular bail.

Disposed off.

December 11, 2018
amit rana

(FATEH DEEP SINGH)
JUDGE

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