

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

210

CRM-M-4771-2021

Date of Decision:04.10.2021

BIKRAMJIT SINGH @ VICKY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rajesh Duhan, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Through the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.01 dated 01.01.2021, registered under Section 61 (1) of the Punjab Excise Act, 1914, at Police Station City Samana, District Patiala.

While issuing notice of motion, this Court passed the following order on 19.02.2021:-

“Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner while inter-alia arguing that the petitioner has been falsely implicated in the present case as he was not apprehended on the spot and the alleged recovery has been planted upon him. It is further argued that there is non-compliance of Section 100(4) Cr.P.C. as no independent witnesses were joined.

Notice of motion.

Ms. Rashmi Attri, AAG, Punjab appearing through the medium of video conferencing accepts notice on behalf of the respondent State and opposes the grant of bail to the petitioner on the ground that there are two other cases pending against the petitioner. She seeks short adjournment to apprise this Court whether there was a non-compliance of Section 100(4) Cr.P.C.

Adjourned to 01.03.2021.”

By order dated 01.03.2021, the petitioner was granted interim

protection and directed to join investigation.

State counsel has made a reference to the affidavit filed by Deputy Superintendent of Police, Circle Samana, District Patiala to submit that no independent witness was associated at the time of recovery and the petitioner is involved in three other cases, the details of which are as under:-

“(i) FIR No.100 dated 16.08.2011 under Section 61 Excise Act, Police Station City Samana, District Patiala. (Convicted)

(ii) FIR No.186 dated 23.10.2014 under Section 61 Excise Act, Police Station City Samana, District Patiala. (Under trial)

(iii) FIR No.129 dated 08.09.2020 under Sections 323, 325, 341, 506, 34 IPC, Police Station City Samana, District Patiala. (under investigation)”

He further submits that the petitioner has been convicted in the first case and has been released on probation. Insofar as other two cases are concerned, one of them is under trial and the third is under investigation. Upon instructions from ASI Sinder Singh, State counsel states that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 01.03.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

04.10.2021
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No