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

CRM-M-33740-2022

Date of decision:02.08.2022

BIKRAMJIT SINGH @ BIKKAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Amrit Singh Kang, Advocate
for the petitioner.

Mr. M.S. Nagra, Asst. A.G. Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.14 of 07.05.2022, registered at Police Station Dhilwan, District Kapurthala, wherein offences constituted, under Sections 379-B, 506, 34 of IPC, and, under Section 25 of Arms Act (under Section 54/59 of Arms Act added later on), are embodied.
2. Though, the FIR narrates, the names of the principal accused, who were available at the crime site, inasmuch as, therein the names of one Inderjit Singh, and, of Hardeep Singh hence occur, but after the Probing Agency making investigations into the petition FIR, one Inderjit Singh was identified, as the person, who pointed the crime pistol, at the temple of the victim, for his extorting a sum of Rs.2700/-, from the victim. The other co-accused along with Inderjit Singh, however continued to occupy the crime motorcycle, bearing No.PB-46Y-7542. Both the above had arrived, at the crime site, on the crime motorcycle.

3. However, the learned State counsel on instructions given to him, by ASI Murta Singh submits that, the recovery of the above extorted sum of money, and, also of the motorcycle has been effected, at the instance of the other co-accused.

4. Be that as it may, the learned State counsel submits, that during the course of co-accused Inderjit Singh being put to judicial incarceration, he revealed that the crime pistol was supplied to them, by the present petitioner, and, after the commission of crime, it became returned to him. Therefore, its recovery is to be effected by the present petitioner, to the investigating officer concerned.

5. For the afore purpose, though the custodial interrogation of the present bail petitioner is required, but as a pre-condition for this Court admitting him to pre-arrest bail, he is to ensure his forthwith ensuring his making recovery of the crime pistol, to the investigating officer concerned.

6. The further reason which constrains this Court for admitting the present bail petitioner, to pre-arrest bail, is comprised in the factum, that at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being admitted to anticipatory bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence or influencing the prosecution witnesses. Therefore, this Court deems it fit, and, appropriate to admit the present bail petitioner to pre-arrest bail, but subject to his, within a week, ensuring his effectuating the recovery of the crime pistol, to the investigating officer concerned.

7. In aftermath, with the above condition(s) precedent, the present petition is allowed, and, in the event of the arrest of the bail petitioner, the investigating officer may not arrest the bail petitioner, however, subject to his

furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer, and, also subject to his rendering co-operation to him, in the investigations to be carried into the offences mentioned in the present FIR. Moreover, also with an undertaking, that he shall not tamper with prosecution evidence, and, nor shall influence the prosecution witnesses.

02.08.2022

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

(SURESHWAR THAKUR)
JUDGE