



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

Sr. No.206

**CRM-M-24982-2024 (O&M)
Date of Decision:02.07.2024**

Vikramjit Singh Arora @ Gabbar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Rajneesh Budhiraja, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab

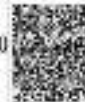
Mr. Aarav Kohli, Advocate for
Mr. R.V.S. Chugh, Advocate
for the complainant.

GURBIR SINGH, J.(ORAL)

The prayer in the present petition filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner in case FIR No.329 dated 23.12.2020, under Sections 307 and 341 read with section 34 of IPC and Sections 25 & 27 of the Arms Act, 1959, registered at Police Station City Ferozepur, District Ferozepur.

2. While granting interim bail to the petitioner by the Coordinate Bench of this Court, the following order was passed on 27.05.2024:-

“At the outset, Mr. Rahul Vijay Singh Chugh, Advocate has put in appearance on behalf of the complainant and files his Vakalatnama in Court today, which is taken on record.

**CRM-M-24982-2024 (O&M) -2-**

Learned State counsel has filed the affidavit of Saunhya Mishra, IPS, Senior Superintendent of Police, District Ferozepur, Punjab on behalf of respondent-State in Court today, which is taken on record, subject to all just exceptions. Copy thereof has been handed over to the counsel opposite.

The present petition raises a very serious concern with regard to the investigation being carried out by the Authorities who chose to remain silent for almost four years and despite being aware of the fact that a compromise has been effected between the parties have now chosen to arrest the petitioner after a passage of almost 3 years and 6 months.

Admittedly, a petition for compromise quashing was also filed in the year 2021, however, the same was withdrawn and the petitioner being a co-accused was made to believe that the matter has been settled. Even after the said compromise quashing petition was withdrawn, the Police Authorities also did not take any action for the last four years.

Learned counsel for the petitioner submits that one Gurwinder Singh and co-accused Vivek Kumar are real brothers and more so, the main accused Gurwinder Singh was already in custody.

*Although as per the contents of the FIR, the petitioner has played a pivotal role in the commission of the offence, as he was the one who held the victim upon whom Gurwinder had fired three shots, however, considering the fact that the Police Authorities chose not to arrest him for the last four years, coupled with the fact that the matter was compromised between the parties and most importantly that the petitioner has clean antecedents, the petitioner is granted the concession of anticipatory bail as nothing is to be recovered from him. He shall join the investigation on **03.06.2024 at 10:00 A.M.** before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.*



In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

However, the SSP Ferozepur is directed to take strict action against the delinquent officials in accordance with law.

It is made clear that this order shall not be construed as parity qua any other co-accused.

Adjourned to 02.07.2024."

3. Learned State counsel, on instructions from ASI Harinder Singh, submits that in compliance of the order dated 27.05.2024, the petitioner has already joined the investigation and no recovery is to be effected from the petitioner. He, however, submits that as per the directions issued vide order dated 27.05.2024, enquiry against the delinquent officials has already been initiated by the S.S.P. Ferozepur.

4. Learned counsel for the complainant submits that he has no objection, if the interim bail granted to the petitioner is confirmed.

5. In view of above, the order dated 27.05.2024 granting interim bail to the petitioner, is made absolute. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

6. However, the detailed outcome of the enquiry report be submitted before this Court.

7. Petition is disposed of accordingly.

(GURBIR SINGH)
JUDGE

02.07.2024
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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No