

State of Punjab Vs BIKRAM SINGH MAJITHIA CRM-639-2025

Present: Sh.H.S.Dhanoa Advocate, Sh.Arshdeep Singh Kler and Sh.D.S.Sobti Advocates for the accused.
Sh.Prit Inder Pal Singh SPP and Sh.Ferry Sofat SPP for the Vigilance Buerau

File has been taken up today on an application moved by the counsel for the accused/applicant seeking the recall of search warrants issued by this Court in CRM No.639 of 2025 dated 14.07.2025.

Notice of the application was given to the State through Additional PP for the State and on his request both the SPPs appeared in the Court.

On one hand side, the counsel for the applicants submitted that the search warrants issued by the Court are not executed in the letter and spirit of the orders of the Court and even the request of Investigating Agency as they had only requested to get the evaluation of movable and immovable properties inside the premises mentioned in the application. They also submitted that the search process has already been completed and list of articles taken in the charge during the search has already been submitted in the Court and now only the evaluation of those articles can be done. They also submitted that the investigating officer who obtained the search warrants had himself not gone to execute the warrants at any of the three premises mentioned in the application. Rather he authorized some other persons beyond his authority.

The SPP for the State has submitted that the Investigating agency is complying the orders of the Court in its letter and spirit. The officers who are conducting the operation are duly authorized by Chief Director Vigilance, Punjab to conduct proceedings in this case and only

those articles and properties which are mentioned in the application are being evaluated.

During the arguments, the counsel for applicants suffered that following statement:

"Stated that an application seeking recall of warrants issued under Section 96 BNSS has been filed whereby it has been requested to recall the search warrants. The counsels shall have no objection if the articles mentioned in the recovery memos already filed and the land, building and fixtures on the walls and ceiling are evaluated by the evaluator appointed by the Investigating agency in presence of the counsels, subject to the undertaking by the State counsels that search being carried out today shall be recalled."

The SPP for the State have also suffered the following statement:

"Stated that we are complying with the order of this Hon'ble Court and shall evaluate the articles mentioned in the search memos submitted in the Court, alongwith the land, building, fittings and fixtures attached with the wall, ceiling and floor."

Since on one hand side the applicants are challenging the procedure adopted by the Investigating agency to comply with the order and the SPP is submitting that they are following the orders of Court in its letter and spirit and at same time counsel for the applicant submitted that the family of the applicant is ready to comply with the orders of the Court with regard to evaluation of the articles and they requested that the said evaluation be done atleast in the presence of their counsels. But the SPPs for the State objected to this.

As such, this Court hereby orders that the search which is going on today be stopped immediately and the proceedings done by the Investigating team at all the three places till this time be submitted in the Court at the earliest and it is also directed that the evaluation work be done afresh in the presence of Sh.Arshdeep Singh

Kler Advocate in compliance of the warrants already issued by the Court. However, he will remain present at adequate place and will not interfere in the evaluation process. If the investigating agency goes beyond the undertaking given by them the Advocate will inform the Court in form of an affidavit. The investigating agency is hereby directed to inform the party one day prior to visiting the place.

Adjourned to 22.07.2025 for further proceedings.

Date of Order: 15.07.2025
*Anju Thakur Stenographer Gr-III**

(Hardip Singh)
Judge Special Court,
SAS Nagar
UID No . PB00638