

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

CRM-M-30466-2020

Date of decision:02.12.2020

Rakesh Kumar alias Ricky Mahasha

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sourabh Arora, Advocate for the petitioner.

Mr. Venu Gopal Jauhar, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.451 dated 16.12.2011 registered under Sections 307, 341, 34 IPC and Sections 25 and 27 of the Arms Act, 1959, at Police Station Civil Lines, District Amritsar City.

Learned counsel for the petitioner contends that no injury has been attributed to the petitioner and no recovery effected from him. The petitioner's name had surfaced in the supplementary statement made by the complainant. Co-accused-Ravneet Singh alias Sonu Mota was acquitted by the trial Court vide judgment dated 04.04.2016.

Learned counsel for the petitioner further contends that only allegation against the petitioner is that he had conducted a recce of Mohinderpal Singh, whereas the injuries caused with *datar* and pistol shots, had been attributed to Simranjit Singh alias Sunny alias Jughar Singh and Harpal Singh alias Bill.

At this, learned State counsel points out that earlier Ravneet Singh alias Sonu Mota and Jhujar Singh alias Jhujar were declared proclaimed offenders but subsequently, Ravneet Singh alias Sonu Mota was arrested on 10.10.2014 and that after completion of investigation, the challan was presented against him in the Court. He has, however, been acquitted by the trial Court vide judgment dated 04.04.2016. However, the learned State counsel does not dispute that the only allegation against the petitioner is that he had conducted recce of Mohinderpal Singh.

I have heard learned counsel for the parties.

The only attribution to the petitioner is of his having conducted recce of Mohinderpal Singh. As noticed above, apart from the said allegation, there is no allegation of any other overtact on his part. Moreover, he was indicated in the present case on the basis of the supplementary statement made by the complainant. Besides, the occurrence is of 2011. Thus, the petitioner deserves the concession of anticipatory bail.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds merit in this petition and the same is allowed. The petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, he shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438(2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency, the

investigating agency would be liberty to move an appropriate application for cancellation of bail.

02.12.2020

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No